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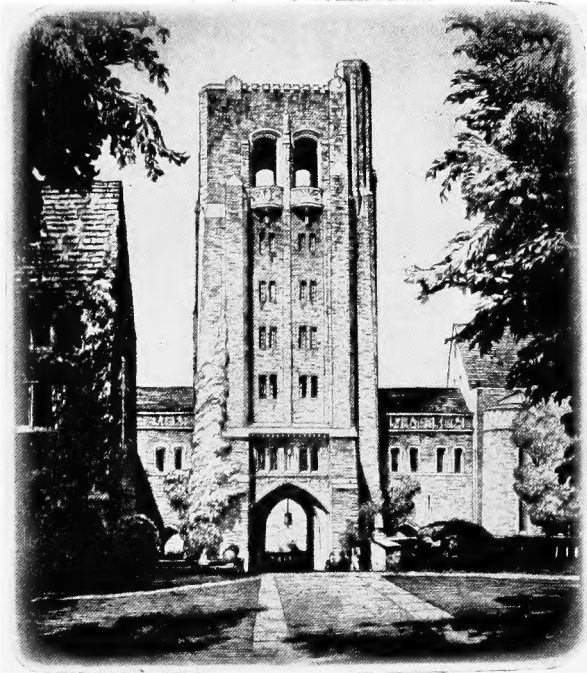
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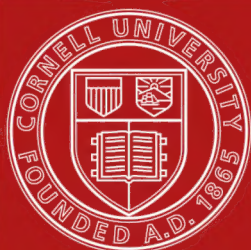
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# CONSOLIDATED ORDINANCES

OF

THE NORTH-WEST TERRITORIES

1898

*Being a Consolidation of The Revised Ordinances of the  
Territories 1888, with the subsequent  
Public General Ordinances*

OF THE

Legislature of the North-West Territories

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IN FORCE MARCH 15, 1899

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R E G I N A :

Printed by JOHN ALEXANDER REID, Queen's Printer for the Territories.  
1899



*LA 7618,*  
PRINTED BY

THE LEADER COMPANY

REGINA, N.W.T.



# THE CONSOLIDATED ORDINANCES

## OF THE TERRITORIES

1898.

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# PROCLAMATION

Bringing the Consolidated Ordinances 1898 into Force.



[L.S.]

A. E. FORGET,  
*Lieutenant Governor.*

CANADA :

NORTH-WEST TERRITORIES.

## PROCLAMATION :

To all to whom these presents shall come : GREETING.

F. W. G. HAULTAIN, } WHEREAS in and by a certain Ordinance of  
*Attorney General.* } the Legislative Assembly of the North-West  
Territories, assented to by the Lieutenant  
Governor of the said Territories on the nineteenth day of September, one  
thousand eight hundred and ninety-eight, and intitled "An Ordinance  
respecting the Consolidated Ordinances of the Territories," after reciting  
that certain Commissioners had been appointed by the Lieutenant Governor  
in Council for the purpose of consolidating the public Ordinances of  
the Territories, it was, amongst other things, enacted that so soon as the  
consolidation aforesaid and the addition to Schedule II referred to in said  
Ordinance should be completed the Lieutenant Governor might cause a  
correct Roll thereof, attested under his signature and countersigned by the  
Territorial Secretary, to be deposited in the office of the Clerk of the  
Legislative Assembly, and that the Lieutenant Governor, after such  
deposit, might by proclamation declare the day on, from and after which  
the same should come into force and have effect as law by the designation  
of "The Consolidated Ordinances of the Territories 1898 :"

AND WHEREAS the said Commissioners have completed the said  
consolidation and the addition to the said schedule, and I have caused a  
correct Roll thereof, attested under my signature and countersigned by  
the Territorial Secretary, to be deposited in the office of the Clerk of the  
Legislative Assembly ;

NOW KNOW YE that, by and with the advice of the Executive  
Council of the Territories, I do by this my proclamation declare that the

said Roll so attested and deposited shall come into force and have effect as law by the designation of "The Consolidated Ordinances of the Territories 1898," on, from and after the fifteenth day of the month of March in the year one thousand eight hundred and ninety-nine.

GIVEN under the hand of His Honour the Lieutenant Governor and issued under the seal of the North-West Territories at REGINA this twenty-third day of February one thousand eight hundred and ninety-nine and in the sixty-second year of Her Majesty's Reign.

By Command,

G. H. V. BULYEA,  
*Territorial Secretary.*

# AN ORDINANCE

RESPECTING

## THE CONSOLIDATED ORDINANCES OF THE TERRITORIES.

### NO. 39 OF 1898.

*(Assented to September 19, 1898.)*

**W**HEREAS by a commission issued by the Lieutenant Gov- Preamble  
ernor in Council dated the first day of February 1897  
the Honourable Hugh Richardson, one of the Justices of the  
Supreme Court of the Territories; the Honourable Edward  
Ludlow Wetmore, one of the Justices of the Supreme Court of  
the Territories, and Charles Coursolles McCaul, Esquire, one of  
Her Majesty's Counsel learned in the law, were appointed  
commissioners for the purpose of consolidating the public Ordi-  
nances of the Territories; and

Whereas the said commissioners had prior to the passing of  
Ordinance No. 37 of 1897 completed the consolidation of the  
said Ordinances as they then existed; and

Whereas since the coming into force of the Ordinances of  
1897 the said commissioners having proceeded to amend, vary  
and add to the said consolidation as far as such action was  
rendered necessary by the said Ordinances, have recommended  
that divers other changes in the law as it now exists and as it  
is declared by the Ordinances of the Territories, should be made  
before the said consolidation is completed and brought into  
force under said Ordinance, with a view to the general im-  
provement of the law of the Territories;

**T**HEREFORE the Lieutenant Governor by and with the ad-  
vice and consent of the Legislative Assembly of the Terri-  
tories enacts as follows:

1. The printed Roll attested as that of the said Ordinances Original Roll  
of Ordinances  
as they existed prior to the passing of the Ordinances of 1897,  
revised, classified and consolidated as aforesaid under the sig-  
nature of His Honour the Lieutenant Governor and that of the  
clerk of the Legislative Assembly and deposited in the office  
of the clerk of the Legislative Assembly, shall be held to be  
the original thereof and to embody the several Ordinances and



parts of Ordinances mentioned as to be repealed in the schedule II thereto annexed ; but the headings in the body of the Ordinances and the references to former enactments at the foot of the several sections thereof form no part of the said Ordinances and shall be held to have been inserted for convenience of reference only and may be omitted or corrected.

Completion of  
consolidation

2. The said commissioners are hereby empowered and authorised to proceed to the completion of the consolidation of all the public Ordinances of the Territories now in force and including all public Ordinances that may be passed at this present session of the Legislative Assembly by making such additions to, eliminations from, variations of and amendments in the said printed Roll as may be necessary to complete the same as such consolidation.

(2) The commissioners shall add to said schedule II a list of such of the Ordinances and parts of Ordinances of the year 1897 and of this present session as may be incorporated by them in said consolidation.

Powers of  
commission

3. In order to the proper completion of such consolidation the commissioners may, but without in any manner changing or affecting the legal effect of the said Ordinances, correct any misprint or error (whether of commission or omission) or any contradiction or ambiguity in the said Roll or Ordinances and the commissioners may make such alterations in the language of the said Roll or Ordinances as are requisite in order to preserve a uniform mode of expression and may make such minor amendments as are necessary to bring out more clearly what is deemed to be the intention of the Legislative Assembly or to reconcile seemingly inconsistent enactments or to correct clerical or typographical errors.

Completed  
Roll  
to be deposited  
with clerk of  
Legislative  
Assembly

4. So soon as the said consolidation of such Ordinances and the said addition to the said schedule II have been completed the Lieutenant Governor may cause a correct Roll thereof (which may be partly printed and partly written) attested under his signature and countersigned by the Territorial secretary to be deposited in the office of the clerk of the Legislative Assembly which Roll shall be held to be the original thereof and to embody the several Ordinances and parts of Ordinances mentioned as repealed in the amended schedule II thereto annexed ; any marginal notes however and headings in the body of the Ordinances and references to former enactments being held to form no part of the said Ordinances but to be inserted for convenience of reference only.

Proclamation

5. The Lieutenant Governor after such deposit of the said last mentioned Roll may by proclamation declare the day on, from and after which the same shall come into force and have effect as law by the designation of "*The Consolidated Ordinances of the Territories 1898.*"

Effect of  
proclamation

6. On and from such day the same shall accordingly come into force and effect by the said designation to all intents as

though the same were expressly embodied in and enacted by this Ordinance to come into force and to have effect on and from such day; and on and from the same day all the enactments in the several Ordinances and parts of Ordinances in such amended schedule II mentioned so far as they relate to the Territories shall stand and be repealed to the extent mentioned in the said schedule save only as hereinafter is provided.

7. The repeal of the said Ordinances and parts of Ordinances shall not revive any Ordinance or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Ordinances and parts of Ordinances or the application of any of the said Ordinances or parts of Ordinances or of any Ordinance or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

Saving as to transactions, etc., anterior to the repeal

8. The repeal of the said Ordinances and parts of Ordinances shall not affect—

Matters not affected by repeal

(a) Any penalty, forfeiture or liability incurred before the time of such repeal or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal;

(b) Any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing, or in force at the time of such repeal;

(c) Any act, deed, right, title, interest, grant, assurance, descent, will, registry, bylaw, rule, regulation, proclamation, contract, lien, charge, status, capacity, immunity, matter or thing had, done, made, acquired, established or existing at the time of such repeal;

(d) Any office, appointment, commission, salary, allowance, security or duty or any matter or thing appertaining thereto at the time of such repeal;

(e) Any marriage certificate or registry thereof lawfully had, made, granted or existing before or at the time of such repeal.

(2) Nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal; but every such—

(a) Penalty, forfeiture and liability;

(b) Action, suit, judgment, decree, certificate, execution, prosecution, process, order, rule, proceeding, matter or thing;

(c) Act, deed, right, title, interest, grant, assurance, descent, will, registry, bylaw, rule, regulation, proclamation, contract, lien, charge, status, capacity, immunity, matter or thing;

(d) Office, appointment, commission, salary, allowance, security or duty;

(e) Marriage certificate and registry thereof, and every such other matter and thing, and the force and effect thereof respectively;

may and shall remain and continue as if no such repeal had taken place and so far as necessary may and shall be continued, prosecuted, enforced and proceeded with under the said Consolidated Ordinances of the Territories and other Ordinances and laws having force in the Territories so far as applicable thereto and subject to the provisions of the said several Ordinances and laws.

Consolidated  
Ordinances  
not to be  
deemed new  
law

**9.** The said Consolidated Ordinances of the Territories shall not be held to operate as new laws but shall be construed and have effect as a consolidation of the law as contained in the said Ordinances and parts of Ordinances so repealed and for which the said Consolidated Ordinances of the Territories are substituted; and the Legislative Assembly is not to be deemed to have adopted the construction which may by judicial decision or otherwise have been placed upon the language of any of the Ordinances included amongst the said Consolidated Ordinances of the Territories.

Construction  
where the  
same in effect  
as the repealed  
Ordinances

(2) The various provisions in the Consolidated Ordinances corresponding to and substituted for the provisions of the Ordinances and parts of Ordinances so repealed shall, where they are the same in effect as those of Ordinances and parts of Ordinances so repealed, be held to operate retrospectively as well as prospectively and to have been passed upon the days respectively upon which the Ordinances and parts of Ordinances so repealed came into effect.

Construction  
in case they  
differ from  
the repealed  
Ordinances

(3) If upon any point the provisions of the said Consolidated Ordinances are not in effect the same as those of the repealed Ordinances and parts of Ordinances for which they are substituted then as respects all transactions, matters and things subsequent to the time when the said Consolidated Ordinances take effect the provisions contained in them shall prevail but as respects all transactions, matters and things anterior to the said time the provisions of the said repealed Ordinances and parts of Ordinances shall prevail.

Reference to  
repealed  
Ordinances  
in former  
Ordinances

**10.** Any reference in any former Ordinance remaining in force or in any instrument or document to any Ordinance or enactment so repealed shall after the Consolidated Ordinances take effect be held as regards any subsequent transaction, matter or thing to be a reference to the enactments in the Consolidated Ordinances having the same effect as such repealed Ordinance or enactment.

Effect of  
insertion of an  
Ordinance in  
Schedule II

**11.** The insertion of any such Ordinance in the said schedule II shall not be construed as a declaration that such Ordinance or any part of it was or was not in force immediately before the coming into force of the said Consolidated Ordinances.

Copies printed  
by Queen's  
Printer to be  
evidence

**12.** Copies of the Consolidated Ordinances printed by the Queen's Printer from the amended Roll so deposited shall be received as evidence of the said Consolidated Ordinances in all courts and places whatsoever.

**13.** The Consolidated Ordinances shall be distributed in such numbers and to such persons only as the Lieutenant Governor in Council may direct. Distribution of copies

**14.** This Ordinance shall be printed with the said Consolidated Ordinances and shall be subject to the same rules of construction as the said Consolidated Ordinances. This Ordinance to be printed with Consolidated Ordinances

**15.** Any Chapter of the said Consolidated Ordinances may be cited and referred to in any Ordinance or proceeding whatever either by its title as an Ordinance or by its short title or by using the expression "The Consolidated Ordinance respecting—" (*adding the remainder of the title at the beginning of the particular chapter*), or by using the expression "The Consolidated Ordinances 1898, Chapter \_\_\_\_\_, (*adding the number of the particular chapter printed in the copies printed by the Queen's Printer.*)" Citation of Consolidated Ordinances





T H E

# NORTH-WEST TERRITORIES ACT

Chapter 50, Revised Statutes of Canada

*As amended up to the date of the coming into force of  
The Consolidated Ordinances 1898.*

---

*New Sections from amending Acts have the numbers bracketed thus : ( 1 ).*

*References at the end of sections or clauses indicate that the section or clause was amended to read as shewn, by the enactment referred to.*

---

An Act respecting the North-West Territories.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as "*The North-West Territories*" Short title Act.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Interpretation

(a) The expression "Territories" means the North-West Territories, as defined in this Act;

(b) The expression "The Lieutenant Governor" means the Lieutenant Governor of the North-West Territories;

(c) The expression "Lieutenant Governor in Council" means the Lieutenant Governor of the Territories, by and with the advice and consent of the Executive Council of the Territories, or in conjunction with the Executive Council of the Territories, as the case may be; 60-61 Vic., c. 28, s. 2. "Lieutenant Governor in Council" defined

(d) The expression "Supreme Court" means the Supreme Court of the North-West Territories; "Supreme Court"

(e) The expression "intoxicating liquor" means and includes all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids; "Intoxicating liquor"

- "Intoxicant" (f) The expression "intoxicant" includes opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them is liquid or solid ;
- "Legislative Assembly" defined (g) The expression "Legislative Assembly" means the Legislative Assembly of the Territories composed, under the provisions of this Act, of the members elected to represent the several electoral divisions into which the Territories are or from time to time may be divided. 60-61 Vic, c. 28, s. 3.

## THE NORTH-WEST TERRITORIES.

- Territories defined **3.** The Territories formerly known as "Rupert's Land" and the North-West Territory shall, with the exception of such portions thereof as form the Province of Manitoba and the District of Keewatin, continue to be called and known as the North-West Territories. (*But see The Yukon Territory Act, 61 Vic., c. 6, s. 2.*)

## THE LIEUTENANT GOVERNOR.

- Lieutenant Governor **4.** There shall be for the Territories an officer called the Lieutenant Governor appointed by the Governor in Council by instrument under the Great Seal of Canada who shall hold office during pleasure.

- His powers (2) The Lieutenant Governor shall administer the Government under instructions from time to time given him by the Governor in Council or by the Secretary of State of Canada.

- Administrator **5.** The Governor in Council may from time to time appoint an Administrator to execute the office and functions of the Lieutenant Governor during his absence, illness or other inability.

- Oaths to be taken **6.** Every Lieutenant Governor or Administrator so appointed shall before assuming the duties of his office take and subscribe before the Governor General or before some person duly authorised to administer such oaths an oath of allegiance and an oath of office similar to those required to be taken by a Lieutenant Governor under *The British North America Act 1867*.

- Salary **(106.)** There shall be payable out of the Consolidated Revenue Fund of Canada the following sum annually that is to say :—

To the Lieutenant Governor, not exceeding . . . . . \$7,000

- Travelling allowances together with such sums of money as are from time to time fixed by the Governor in Council in respect of travelling allowances. 51 Vic., c. 19, s. 17.

(Sections 7 and 8 were repealed by 51 Vic., c. 19, s. 1.)

## SEAT OF GOVERNMENT.

**9.** The seat of Government of the Territories shall be fixed and may from time to time be changed by the Governor in Council. Seat of government

*(Section 10 was repealed by 51 Vic., c. 19, s. 1.)*

## LAWS IN FORCE.

**11.** Subject to the provisions of this Act, the laws of England relating to civil and criminal matters, as the same existed on the fifteenth day of July, in the year of our Lord one thousand eight hundred and seventy, shall be in force in the Territories, in so far as the same are applicable to the Territories, and in so far as the same have not been or are not hereafter repealed, altered, varied, modified or affected by any Act of the Parliament of the United Kingdom applicable to the Territories, or of the Parliament of Canada, or by any Ordinance of the Lieutenant Governor in Council or of the Legislative Assembly. Laws of England on July 15, 1870, in force in Territories with certain exceptions 60-61 Vic., c. 28, s. 4.

**12.** All laws and Ordinances in force in the Territories, and not repealed by or inconsistent with this Act, shall remain in force until it is otherwise ordered by the Parliament of Canada, by the Governor in Council, or by the Legislative Assembly under the authority of this Act. Laws in force continued 60-61 Vic., c. 28, s. 5.

## THE LEGISLATIVE ASSEMBLY.

**(2.)** There shall be a Legislative Assembly for the Territories which shall be composed of twenty-six members elected to represent the electoral districts set forth in the schedule to this Act until the said Legislative Assembly otherwise provides. Legislative Assembly 57-58 Vic., c. 17, s. 15.

**(3.)** Every Legislative Assembly shall continue for four years from the date of the return of the writs for choosing the same; but the Lieutenant Governor may at any time dissolve the Assembly and cause a new one to be chosen. Duration of Assembly 54-55 Vic., c. 22, s. 3; 57-58 Vic., c. 17, s. 16.

**(4.)** There shall be a session of the Legislative Assembly convened by the Lieutenant Governor at least once in every year, so that twelve months shall not intervene between the last sitting of the Assembly in one session and its first sitting in another session; and such Assembly shall sit separately from the Lieutenant Governor, and shall present Bills passed by it to the Lieutenant Governor for his assent, who may approve or reserve the same for the assent of the Governor General. Limit of time for session 54-55 Vic., c. 22, s. 4. Proceedings on bills

*By 54-55 Vic., c. 22, s. 5, provision was made for issue of writs and conduct of elections until the Assembly should otherwise provide. See now The Elections Ordinance.*

Who may  
vote

(7.) The persons qualified to vote at an election for the Legislative Assembly shall be the male British subjects by birth or naturalization (other than unenfranchised Indians) who have attained the full age of twenty-one years, who have resided in the North-West Territories for at least the twelve months and in the electoral district for at least the three months respectively immediately preceding the time of voting. 51 Vic., c. 19, s. 7.

Who eligible  
or election

(8.) Any British subject by birth or naturalization shall be eligible for nomination and election.

Deposit at  
nomination

(2) No nomination at any election shall be valid and acted upon unless at or before the time of nomination a sum of one hundred dollars is deposited in the hands of the returning officer; and the receipt of the returning officer shall in every case be sufficient evidence of the payment herein mentioned.

How applied

(3) The sum so deposited shall be returned to the person by whom the deposit was made in the event of the candidate by or on whose behalf it was so deposited, being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected,—otherwise it shall belong to Her Majesty for the public uses of the Territories; and the sum so paid and not returned as herein provided shall be applied by the returning officer towards the payment of the election expenses and an account thereof shall be rendered by him to the Lieutenant Governor. 51 Vic., c. 19, s. 8.

Qualification  
of member of  
Legislative  
Assembly

(18.) No person holding any office, commission or employment to which an annual salary from the Crown is attached shall be eligible as a member of the Legislative Assembly or shall sit or vote therein during the time he holds such office, commission or employment; but nothing herein contained shall render ineligible any member of the Executive Council of the Territories by reason of any salary, fee, allowance, emolument or profit of any kind or amount attaching to such membership from being a member of the Assembly or shall disqualify him from sitting or voting therein: Provided he is elected while holding such office and is not otherwise disqualified. 60-61 Vic., c. 28, s. 9.

Oath to be  
taken by  
members

(9.) Elected members of the Legislative Assembly shall take and subscribe before the Lieutenant Governor or before such person as is designated by the Governor in Council the following oath of allegiance:—

“I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors.” 51 Vic., c. 19, s. 9.

Quorum in  
Assembly

(10.) Until the Legislative Assembly otherwise provides a majority of the members shall form a quorum for the transaction of business. 51 Vic., c. 19, s. 10; 57-58 Vic., c. 17, s. 13.

Election of  
Speaker

(11.) The Legislative Assembly on its first assembling after

a general election shall proceed with all practicable speed to elect one of its elected members to be Speaker.

(2) In case of a vacancy happening in the office of Speaker by death, resignation or otherwise the Legislative Assembly shall proceed with all practicable speed to elect another of its elected members to be Speaker. Vacancy in office of Speaker

(3) The Speaker shall preside at all meetings of the Legislative Assembly; Speaker to preside

(4) Until the Legislative Assembly otherwise provides in case of the absence for any reason of the Speaker from the chair of the Assembly for forty-eight consecutive hours the Assembly may elect another of its members to act as Speaker and the member so elected shall during the continuance of such absence of the Speaker have and execute all the powers, privileges and duties of Speaker. 51 Vic., c. 19, s. 11. Case of absence provided for

(12.) Questions arising in the Legislative Assembly shall be decided by a majority of voices other than that of the Speaker and when the voices are equal but not otherwise the Speaker shall have a vote. 51 Vic., c. 19, s. 12. Majority to decide

**13.** The Legislative Assembly shall subject to the provisions of this Act or of any other Act of the Parliament of Canada, declared to be applicable to the Territories, have power to make Ordinances for the government of the Territories in relation to the classes of subjects next hereinafter mentioned that is to say:— Powers of Assembly

1. The mode of providing voters' lists, the oaths to be taken by voters, the appointment, powers and duties of returning officers and deputy returning officers, election and poll clerks and their oaths of office, the proceedings to be observed at elections, the periods during which such elections may be continued, and such other provisions with respect to such elections as may be thought fit;

2. Direct taxation within the Territories in order to raise a revenue for Territorial or municipal or local purposes;

3. The establishment and tenure of Territorial offices and the appointment and payment of Territorial officers out of Territorial revenues;

4. The establishment, maintenance and management of prisons in and for the Territories,—the expense thereof being payable out of Territorial revenues;

5. Municipal institutions in the Territories, including the incorporation and powers, not inconsistent with any Act of Parliament, of irrigation districts, that is to say, associations of the land owners and persons interested in the lands in any district or tract of land for the purpose of constructing and operating irrigation works for the benefit of such lands; 58-59 Vic., c. 31, s. 1.

6. Shop, saloon, tavern, auctioneer and other licenses in order to raise a revenue for Territorial or municipal purposes;

7. The incorporation of companies with Territorial objects with the following exceptions:—

(a) Such companies as cannot be incorporated by a Provincial Legislature ;

(b) Railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies ; 58-59 Vic., c. 31, s. 2.

8. The solemnization of marriage in the Territories ;

9. Property and civil rights in the Territories ;

10. The administration of justice in the Territories, including the constitution, organization and maintenance of Territorial courts of civil jurisdiction, including procedure therein, but not including the power of appointing any judicial officers ;

11. The imposition of punishment by fine, penalty or imprisonment for enforcing any Territorial Ordinances ;

12. The expenditure of Territorial funds and such portion of any moneys appropriated by Parliament for the Territories as the Lieutenant Governor is authorized to expend by and with the advice of the Legislative Assembly or of any committee thereof ;

13. Generally all matters of a merely local or private nature in the Territories.

Limitation

(2) Nothing in this section contained gives or shall be construed to give to the Legislative Assembly any greater powers with respect to the subjects therein mentioned than are given to Provincial Legislatures under the provisions of section ninety-two of *The British North America Act 1867* with respect to the similar objects therein mentioned. 54-55 Vic., c. 22, s. 6 ; 60-61 Vic. c. 28, s. 6.

Ordinances  
respecting  
education  
Majority  
schools

Minority  
schools

**14.** The Legislative Assembly shall pass all necessary Ordinances in respect to education ; but it shall therein always be provided that a majority of the ratepayers of any district or portion of the Territories or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit and make the necessary assessment and collection of rates therefor ; and also that the minority of the ratepayers therein whether Protestant or Roman Catholic may establish separate schools therein,—and in such case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof. 61 Vic., c. 5, s. 12.

(Section 15 of the Act was repealed by 57-58 Vic., c. 17, s. 2.)

Money votes  
to be first  
recommended

(**14.**) The Legislative Assembly shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue or of any tax or impost to any purpose that has not been first recommended to the Assembly by message of the Lieutenant Governor in the session in which such vote, resolution, address or bill is proposed. 51 Vic., c. 19, s. 14.



**16.** The Legislative Assembly may, from time to time, make <sup>Juries</sup> Ordinances in respect to the mode of calling juries, other than grand juries, in criminal as well as civil cases, and when and by whom and the manner in which they may be summoned or taken, and in respect to all matters relating to the same. 60-61 Vic., c. 28, s. 7.

**(20.)** For the removal of doubts it is hereby declared that <sup>Jurisdiction</sup> subject to the provisions of *The North-West Territories Act* <sup>in matters of alimony</sup> the Legislative Assembly has and shall have power to confer on Territorial courts jurisdiction in matters of alimony. 57-58 Vic., c. 17, s. 20.

**(19.)** Notwithstanding anything in this Act or the said Act <sup>As to wills and</sup> contained the Legislative Assembly may, by Ordinance, repeal <sup>intoxicants</sup> the provisions of sections twenty-six to forty, both inclusive, and also in so far as they apply to the Territories comprising the several electoral divisions mentioned in the schedule to this Act, the provisions of sections ninety-two to one hundred, also both inclusive, of the said Act, together with all amendments thereto, and may re-enact the said provisions or substitute other provisions in lieu thereof. 54-55 Vic., c. 22, s. 19.

**17.** An authentic copy of every Ordinance shall be trans- <sup>Disallowance of Ordinances</sup> mitted by mail to the Secretary of State within thirty days after its passing; and if the Governor in Council at any time within one year after its receipt by the Secretary of State thinks fit to disallow the Ordinance, such disallowance, when signified by the Secretary of State to the Lieutenant Governor, shall annul the Ordinance from and after the date of such signification; and all Ordinances so made, and all Orders in <sup>Submission to Parliament</sup> Council disallowing any Ordinances so made, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

*(Sections 18 to 25, both inclusive, were repealed by 51 Vic., c. 19, s. 1.)*

#### THE EXECUTIVE COUNCIL.

**(17.)** There shall be a Council to aid and advise in the <sup>Executive Council of the Territories</sup> government of the Territories to be styled the Executive Council of the Territories; and the persons who are to be members of that Council shall be, from time to time, chosen and summoned by the Lieutenant Governor and sworn in; and members thereof may be, from time to time, removed by the Lieutenant Governor.

**(2)** All powers, authorities and functions which, under any <sup>Powers</sup> Act of the Parliament of Canada or Ordinance of the Territories, are vested in or exercisable by the Lieutenant Governor with the advice, or with the advice and consent, of the Executive Committee of the Territories, or in conjunction with that Committee, shall, upon the passing of this Act be vested in, and shall or may be exercised by the Lieutenant Governor with the advice, or with the advice and consent of, or in conjunction with, the Executive Council of the Territories, subject, never-

theless, to be abolished or altered by competent legislative authority. 60-61 Vic., c. 28, s. 8.

## WILLS.

**26.** Every person may devise, bequeath or dispose of, by will executed in manner hereinafter mentioned, all real and personal property to which he is entitled either at law or in equity at the time of his death and which if not so devised, bequeathed or disposed of would devolve upon his heir-at-law or upon his executor or administrator.

**27.** No will made by any person under the age of twenty-one years shall be valid.

**28.** No will shall be valid unless it is in writing and executed in manner hereinafter mentioned that is to say:—it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time; and such witnesses shall attest and shall subscribe the will in the presence of the testator but no form of attestation shall be necessary.

**29.** Every will executed in manner hereinbefore required shall be valid without any other publication thereof.

**30.** If any person who attests the execution of a will is at the time of the execution thereof or at any time afterwards incompetent to be admitted as a witness to prove the execution thereof, such will shall not on that account be invalid.

**31.** No person shall on account of his being an executor of a will be incompetent to be admitted as a witness to prove the execution of such will or as a witness to prove the validity or invalidity thereof.

**32.** If any person attests the execution of any will to whom or to whose wife or husband any beneficial devise or legacy affecting any real or personal property (other than a charge for the payment of a debt) is thereby given, such devise or legacy shall so far only as concerns such person attesting the execution of such will, or the wife or husband of such person or any person claiming under such person, wife or husband, be null and void, and such person so attesting shall be admitted to prove the execution of such will or the validity or invalidity of such will notwithstanding such devise or legacy.

**33.** No will or codicil or any part thereof shall be revoked otherwise than by marriage or by another will or codicil executed in manner hereinbefore required or by some writing declaring an intention to revoke the same and executed in the manner in which a will is hereinbefore required to be executed or by the burning, tearing or otherwise destroying the same by

the testator or by some person in his presence and by his direction with the intention of revoking the same.

**34.** Every will shall be construed with reference to the real and personal property affected by it, to speak and take effect as if it had been executed immediately before the death of the testator unless a contrary intention appears by the will. How a will shall be construed

**35.** If any real property is devised to any person without any words of limitation such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will, in such real property, unless a contrary intention appears by the will. When fee simple shall pass

#### MARRIED WOMEN.

**36.** All the wages and personal earnings of a married woman and any acquisitions therefrom and all proceeds or profits from any occupation or trade which she carries on separately from her husband or derived from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property shall be free from the debts or dispositions of the husband and shall be held and enjoyed by such married woman and disposed of without her husband's consent as fully as if she were a *feme sole*, and no order for protection shall be necessary in respect of any such earnings or acquisitions; and the possession, whether actual or constructive, of the husband, of any personal property of any married woman shall not render the same liable for his debts. Her own earnings to belong to her  
No order necessary

**37.** A married woman may make deposits of money in her own name in any savings or other bank and withdraw the same by her own cheque; and any receipt or acquittance of such depositor shall be a sufficient discharge to any such bank. Deposits in bank

**38.** Nothing hereinbefore contained in reference to moneys deposited or investments by any married woman shall, as against any creditor of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditors; and any money so deposited or invested may be followed as if this Act had not been passed. Fraudulent investment not valid

**39.** A husband shall not, by reason of any marriage, be liable for the debts of his wife contracted before marriage, but the wife shall be liable to be sued therefor, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried; and a husband shall not be liable for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts. Debts of wife before and after marriage

**40.** A married woman may maintain an action in her own name for the recovery of any wages, earnings, money and property, declared by this Act or which is hereafter declared to be her separate property, and shall have in her own name, the Suits by and against a married woman

same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman; and any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts, as if she were unmarried.

#### ADMINISTRATION OF JUSTICE.

Supreme  
Court  
continued

**41.** The Supreme Court of record of original and appellate jurisdiction now existing under the name of "The Supreme Court of the North-West Territories" is hereby continued under the name aforesaid.

Constitution  
of court

**42.** The Supreme Court shall consist of five puisné judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal.

Who may  
be appointed  
judge

**43.** Any person may be appointed a judge of the court who is or has been a judge of a Superior Court of any Province of Canada, a stipendiary magistrate of the Territories, or a barrister or advocate of at least ten years' standing at the bar of any such Province, or of the Territories.

No other office  
of emolument  
to be held

**44.** No judge of the court shall hold any other office of emolument under the Government of Canada, or of any Province thereof, or of the Territories.

Residence

**45.** Each judge of the court shall reside at such place in the Territories as the Governor in Council, in the commission to such judge, or by Order in Council, directs.

Tenure  
of office

**46.** The judges of the court shall hold office during good behaviour, but shall be removable by the Governor General, on address of the Senate and House of Commons of Canada.

Oath to be  
taken

**47.** Every judge shall, previously to entering upon the duties of his office as such judge, take an oath in the form following:—

Form of oath

"I, \_\_\_\_\_, do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge, execute the powers and trusts reposed in me as one of the judges of the Supreme Court of the North-West Territories. So help me God."

How  
administered

(2) Such oaths shall be administered by the Lieutenant Governor or by a judge of the court

Jurisdiction  
within the  
Territories  
civil and  
criminal

**48.** The court shall, within the Territories, and for the administration of the laws for the time being in force within the Territories, possess all such powers and authorities as by the law of England are incident to a superior court of civil and criminal jurisdiction; and shall have, use and exercise all the

rights, incidents and privileges of a court of record and all other rights, incidents and privileges as fully to all intents and purposes as the same were on the fifteenth day of July, one thousand eight hundred and seventy, used, exercised and enjoyed by any of Her Majesty's superior courts of common law, or by the Court of Chancery, or by the Court of Probate in England,—and shall hold pleas in all and all manner of actions, causes and suits as well criminal as civil, real, personal and mixed,—and shall proceed in such actions, causes and suits by such process and course as are provided by law, and as tend with justice and despatch to determine the same,—and shall hear and determine all issues of law, and shall also hear and (with or without a jury as provided by law) determine all issues of fact joined in any such action, cause or suit, and give judgment thereon and award execution thereof in as full and as ample a manner as might at the said date be done in Her Majesty's Court of Queen's Bench, Common Bench, or in matters which regard the Queen's revenue (including the condemnation of contraband or smuggled goods) by the Court of Exchequer, or by the Court of Chancery or the Court of Probate in England.

**49.** The court shall sit in banc at such times and places as the Lieutenant Governor in Council appoints; the senior judge present shall preside, and three judges of the court shall constitute a quorum. 61 Vic., c. 5, s. 3.

**50.** The court sitting in banc shall hear and determine all applications for new trials, all questions or issues of law, all questions or points in civil or criminal cases reserved for the opinion of the court, all appeals or motions in the nature of appeals, all petitions and all other motions, matters or things whatsoever which are lawfully brought before it:

Provided that the judge by or before whom the judgment, order or decision then in question was rendered or made, shall not sit as one of the judges composing the court unless his presence is necessary to constitute a quorum. 57-58 Vic., c. 17, s. 4.

**51.** The Governor in Council may at any time by proclamation divide the Territories into judicial districts, and give to each such district an appropriate name, and in like manner, from time to time, alter the limits and extent of such districts.

**52.** Every judge of the court shall have jurisdiction throughout the Territories, but shall usually exercise the same within the judicial district to which he is assigned by the Governor in Council, and in all causes, matters and proceedings, other than such as are usually cognizable by a court sitting in banc, and not by a single judge of the said court, shall have and exercise all the powers, authorities and jurisdiction of the court.

(2) Subject to any statute prohibiting or restricting proceedings by way of *certiorari*, a single judge shall, in addition to his other powers, have all the powers of the Court as to proceedings by way of *certiorari* over the proceedings, orders,

convictions, and adjudications had, taken and made by justices of the peace, and in addition thereto shall have the power of revising, amending, modifying or otherwise dealing with the same; and writs of *certiorari* may, upon the order of a judge, be issued by the clerk of the court mentioned in such order returnable as therein directed. 54-55 Vic., c. 22, s. 7.

Powers of  
single judge

**53.** Whenever, under any Act in force in the Territories, any power or authority is to be exercised, or anything is to be done by a judge of a court, such power or authority shall, in the Territories, be exercised or such thing shall be done by a judge of the Supreme Court, unless any other provision is made in that behalf by such Act.

Judges to  
replace the  
former  
stipendiary  
magistrates

**54.** The judges of the Supreme Court shall have all the powers, authority and jurisdiction vested in the stipendiary magistrates of the Territories on the second day of June, one thousand eight hundred and eighty-six; and wherever in any Act of the Parliament of Canada relating to the Territories, the words "stipendiary magistrate" or "stipendiary magistrates" are used, the same shall mean a judge or the judges of the Supreme Court, as the case may be.

Sittings,  
where held

**55.** Sittings of the Supreme Court, which shall be presided over by a judge of the court, shall be held in each judicial district at such times and places as the Lieutenant Governor of the Territories appoints.

Sheriffs  
and clerks

**56.** For each judicial district the Governor in Council may appoint a sheriff and the Lieutenant Governor in Council may appoint a clerk of the court, and may respectively name the place at which such sheriff and clerk, respectively, shall reside and keep an office; and the clerk of the district within which the seat of government of the Territories is situate, shall be registrar of the court sitting in banc. 60-61 Vic., c. 28, s. 10.

Deputy  
sheriffs and  
clerks

(2) And each sheriff and clerk shall appoint a deputy or deputies at such places within the district and with such powers as are, from time to time, determined by an Ordinance of the Legislative Assembly.

Vacancies

(3) In case of a vacancy happening in the office of sheriff or clerk by reason of death, incapacity or otherwise, his deputy may perform his duties until a successor is appointed; and where there is no such deputy, the judge usually exercising jurisdiction within the judicial district may appoint a person to fill the vacancy in the meantime.

Duties, etc.,  
of sheriffs and  
clerks

(4) The Legislative Assembly may, subject to the provisions of this Act, define by Ordinance the powers, duties and obligations of sheriffs and clerks, and their respective deputies. 54-55 Vic., c. 22, s. 8.

Seal of  
the court

**57.** Each clerk of the court shall use such a seal for sealing processes issued out of the court in the district for which he is appointed as the Lieutenant Governor approves.

**58.** Before entering on the duties of his office every sheriff appointed under the provisions of this Act shall give security by bond, or by guarantee of some guarantee company approved by the Governor in Council, in the sum of two thousand dollars, and every clerk shall give the like security in the sum of one thousand dollars. Bond to be given by sheriff

**59.** Each sheriff shall be paid a yearly salary of five hundred dollars, and the Lieutenant Governor, by and with the advice and consent of the Legislative Assembly, may legislate with respect to the remuneration, by fees or otherwise, in civil matters, of sheriffs and clerks, including the registrar of the Supreme Court. 57-58 Vic., c. 17, s. 5. Sheriffs' and clerks' remuneration

*(Sections 60 and 61 of the Act were repealed by 57-58 Vic. c. 17, s. 6.)*

**62.** Every sheriff and clerk shall be an officer of the Supreme Court generally, and not merely of the judges sitting or acting in his district, and shall obey the lawful orders of the said court and of the judges thereof, in whatever district such orders are made, provided anything is required to be done under them by the sheriff or clerk in his district. Sheriffs and clerks to be officers of the court generally

**63.** The Lieutenant Governor may, subject to any orders made in that behalf from time to time by the Governor in Council, issue orders to the North-West Mounted Police force, in aid of the administration of civil and criminal justice and for the general peace, order and good government of the Territories. Disposal of North-West Mounted Police Force

**64.** The Lieutenant Governor may appoint justices of the peace for the Territories, who shall have jurisdiction as such throughout the same; but, until the Legislative Assembly otherwise provides, no person shall be appointed a justice of the peace for the Territories or shall act as such who is not the owner in fee simple for his own use and benefit of lands lying and being in the Territories of and above the value of three hundred dollars over and above what will satisfy and discharge all encumbrances affecting the same and over and above all rents and charges payable out of or affecting the same, and who has not resided in the Territories for a period of at least three years. 60-61 Vic., c. 28, s. 11. Justices of the peace Property qualification

(2) Every justice of the peace for the Territories, before he takes upon himself to act as such justice, shall take and subscribe before the Lieutenant Governor, a judge of the Supreme Court or any justice of the peace for the Territories, the oath of qualification and the oath of office contained in the schedule to this Act or such other oath or oaths as the Legislative Assembly from time to time prescribes. 60-61 Vic., c. 28, s. 12. Oaths of qualification and office

(3) The Governor in Council may appoint police magistrates in the Territories and such police magistrates shall have all powers and authorities now vested in two justices of the peace under any law in Canada and shall exercise jurisdiction in and for such territory as is defined by the Order in Council appoint- Police magistrates

ing them respectively or by any Order in Council amending the same. 57-58 Vic., c. 17, s. 7.

Who may be appointed

(4) No person shall be appointed a police magistrate unless he has been admitted and has practised as an advocate, barrister or solicitor in one of the provinces of Canada for a period of not less than three years. 57-58 Vic., c. 17, s. 7; 60-61 Vic., c. 28, s. 13.

Procedure

(19.) Unless otherwise therein specially provided proceedings for the imposition of punishment by fine, penalty or imprisonment for enforcing any Territorial Ordinance may be brought summarily before a justice of the peace under the provisions of part LVIII of *The Criminal Code 1892*. 57-58 Vic., c. 17, s. 19.

#### ADMINISTRATION OF CRIMINAL LAW.

Procedure in criminal cases

**65.** The procedure in criminal cases in the court shall, subject to any Act of the Parliament of Canada, conform as nearly as may be to the procedure existing in like cases in England on the fifteenth day of July in the year one thousand eight hundred and seventy; but no grand jury shall be summoned or sit in the Territories.

No grand jury

Record of preliminary investigation before justice to be transmitted to court

(12.) Every justice of the peace or other magistrate holding a preliminary investigation into any criminal offence which may not be tried under the provisions of *The Summary Convictions Act*, shall immediately after the conclusion of such investigation transmit to the clerk of the court for the judicial district in which the charge was made all informations, examinations, depositions, recognizances, inquisitions and papers connected with such charge; and the clerk of the court shall notify the judge thereof.

Duty of sheriff or gaoler

(2) Whenever any person charged is committed to gaol for trial the sheriff or other person in charge of such gaol shall within twenty-four hours notify the judge exercising jurisdiction at the time in the judicial district, in writing, that such prisoner is so confined, stating his name and the nature of the charge preferred against him; whereupon with as little delay as possible the judge shall cause the prisoner to be brought before him for trial either with or without a jury as the case requires. 54-55 Vic., c. 22, s. 12.

Formal charge

(11.) In lieu of indictments and forms of indictment as provided by *The Criminal Procedure Act* the trial of any person charged with a criminal offence shall be commenced by a formal charge in writing setting forth as in an indictment the offence wherewith he is charged. 54-55 Vic., c. 22, s. 11.

Powers as to certain offences

**66.** Every judge of the Supreme Court shall have and exercise the powers of a justice of the peace or of any two justices of the peace under any laws or Ordinances in force in the Territories,—and may also hear and determine any charge against any person for any criminal offence alleged to have been committed in the Territories or (subject to the provisions of section



fourteen of the Act passed by the Parliament of Canada in the forty-seventh year of Her Majesty's reign, and chaptered six) in any territory eastward of the Rocky Mountains wherein the boundary between the province of British Columbia and the Territories has not been officially ascertained, when the accused is charged—

(a) With having committed or attempted to commit theft, Theft, etc. embezzlement, or obtaining money or property by false pretences, or receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, embezzled, obtained or received does not in the opinion of such judge exceed two hundred dollars; or—

(b) With having committed an aggravated assault by unlawfully and maliciously inflicting upon any other person either Aggravated assault with or without a weapon or instrument any grievous bodily harm or by unlawfully and maliciously wounding any other person; or—

(c) With having committed an assault upon any female Assault on a female, etc. whomsoever or upon any male child whose age does not in the opinion of the judge exceed fourteen years; and when such assault, if upon a female, does not in his opinion amount to an assault with intent to commit a rape; or—

(d) With having escaped from lawful custody or committed Escape from custody prison breach, or assaulted, obstructed, molested or hindered any judge, justice of the peace, commissioned officer of police, constable, bailiff or other peace officer or officer of customs or excise or other officer in the lawful performance of his duty or with intent to prevent the performance thereof.

(2) The charge shall be tried in a summary way and without Summary trial the intervention of a jury. 60-61 Vic., c. 28, s. 14.

**67.** When the person is charged with any other criminal Trial by jury offence the same shall be tried, heard and determined by the judge with the intervention of a jury of six; but in any such case the accused may with his own consent be tried by a judge in a summary way and without the intervention of a jury. 54-55 Vic., c. 22, s. 9.

**68.** Whenever upon a trial before a judge in a summary On trial for one offence, conviction may be for another way under either section sixty-six or section sixty-seven of this Act such judge is not satisfied that the accused is guilty of the offence with which he stands charged but the circumstances are such that upon a trial before a jury under *The Criminal Procedure Act* for the like offence the jury might find the accused guilty of some other offence, the judge shall have the same power as to findings as a jury would have in the like circumstances under the said last mentioned Act, and may convict the accused of such other offence, notwithstanding that such offence is one for which under section sixty-seven aforesaid the accused could not without his own consent have been tried in a summary way; and the person so convicted shall be liable to the punishment by the said last mentioned Act or otherwise by law prescribed for the offence of which he is so found guilty. 54-55 Vic., c. 22, s. 10. R.S.C., c. 174

Notes of  
evidence

**69.** The judge shall upon every such trial take or cause to be taken down in writing full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted after the close of the case for the prosecution to make full answer and defence by counsel, attorney or agent.

Defence by  
counsel

Sentence of  
death to be  
reported

**70.** When any person is convicted of a capital offence and is sentenced to death the judge shall forward to the Minister of Justice full notes of the evidence with his report upon the case; and the execution shall be postponed from time to time by the judge if found necessary until such report is received and the pleasure of the Governor General thereon is communicated to the Lieutenant Governor.

Stay of  
execution

Summoning  
jurors

**71.** Persons required as jurors for a trial shall be summoned by a judge from among such male persons as he thinks suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors and shall be sworn by the judge who presides at the trial.

(2) The Governor in Council may at any time by proclamation declare that this section shall be repealed from and after the date named in such proclamation. 57-58 Vic., c. 17, s. 8.

Peremptory  
challenges  
by accused

**72.** Any one arraigned for treason or an offence punishable with death or an offence for which he may be sentenced to imprisonment for more than five years, may challenge peremptorily, and without cause, any number of jurors not exceeding six; and every peremptory challenge beyond that number shall be void. 57-58 Vic., c. 17, s. 9.

By the Crown

(2) The Crown may peremptorily challenge any number of jurors not exceeding four.

Challenges  
for cause

(3) Challenges for cause shall be the same as are provided for under *The Act respecting Procedure in Criminal Cases*.

If the list of  
jurors is  
exhausted

**73.** If, by reason of challenges or otherwise, the number of jurors summoned for the trial is exhausted, the judge shall direct some constable or other person to summon, by word of mouth, from among the bystanders or from the neighbourhood, such number of persons as are necessary to make up a jury,—the persons so summoned being subject to challenge as those summoned by the judge in the first instance; and the like proceedings shall be repeated, if necessary, until a jury is obtained, competent to try the case; and any person summoned, as hereby provided, to serve as a juror, who makes default or refuses to serve as such juror, without lawful excuse to the satisfaction of the judge, may be fined by him a sum not exceeding ten dollars, and committed to prison until such fine is paid.

Tales

Fine for  
nonattendance

Witness  
failing to  
attend guilty  
of contempt

**74.** Any person duly summoned, whether on behalf of the prisoner or against him, to attend and give evidence on any such trial, shall be bound to attend on the day appointed for the same, and shall remain in attendance throughout the whole trial; and if he fails so to attend, he shall be deemed guilty of contempt of court, and may be proceeded against therefor.

**75.** Upon proof, to the satisfaction of the judge, of the summoning of any witness who fails to attend, and upon such judge being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause the said witness to be apprehended and forthwith brought before him to give evidence and to answer for his contempt; and such witness may be detained on such warrant, with a view to secure his presence as a witness, or may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his contempt; or the judge may, in a summary manner, examine and dispose of the charge of contempt against the said witness, who, if found guilty thereof, may be fined or imprisoned, or both,—such fine not to exceed one hundred dollars, and such imprisonment to be with or without hard labor, and not to exceed the term of ninety days.

Proceedings  
in such case

Fine and  
imprisonment

**76.** Returns of all trials and proceedings, civil and criminal, shall be made to the Lieutenant Governor in such form and at such times as he directs.

Returns to  
Lieutenant  
Governor

**77.** The Governor in Council may, from time to time, by proclamation, declare that the ten sections next preceding, or any of them, shall be repealed from and after the date named in such proclamation.

Governor in  
Council may  
repeal ss. 67  
to 76 inclusive  
by  
proclamation

**78.** If imprisonment for any term not less than two years is awarded in any case, the convict may be ordered to be imprisoned in any gaol or penitentiary in the Territories or to be conveyed to the penitentiary in the Province of Manitoba, on the warrant of the judge; and whenever any convict or accused person is ordered to be conveyed to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, may hold and convey him, or re-take him in case of an escape; and the warden of the penitentiary in Manitoba may detain and deal with him, in the said Province, as if such penitentiary was within the Territories, or as if the said convict or accused person had been ordered to be conveyed to such penitentiary by some competent court or authority in the said Province.

Where convict  
may be  
imprisoned

Conveyance  
of prisoners

Duties and  
powers of  
warden

**79.** If it is impossible or inconvenient, in the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any judge or justice of the peace may sentence any person convicted before him of an offence, other than the breach of a municipal bylaw, to be placed and kept in the custody of the North-West Mounted Police force, with or without hard labor; and any police guard-house or guard-room in the Territories shall be a penitentiary, gaol or place of confinement for all purposes, except the confinement of any person sentenced to imprisonment for breach of a municipal bylaw; but if any municipality makes arrangements with the Commissioner of the North-West Mounted Police for the maintenance of persons convicted of a breach of

When prisoner  
may be placed  
in custody of  
N.W.M. Police

any bylaw of such municipality during the period of their sentence, the provisions of this section shall thereafter apply to such persons in like manner as to other offenders. 54-55 Vic., c. 22, s. 13.

What may be  
a gaol

**80.** The Governor in Council may, from time to time, direct that any building or buildings, or any part thereof, or any enclosure or enclosures, in any part or parts of the Territories, shall be a gaol or lock-up for the confinement of prisoners charged with the commission of any offence or sentenced to any punishment or confinement therein; and confinement therein shall thereupon be held lawful and valid whether such prisoners are being detained for trial or are under sentence of imprisonment in a penitentiary, gaol or other place of confinement; and the Governor in Council may at any time direct that any building or any part thereof, or any enclosure, shall cease to be a gaol or lock-up, and thereupon such building or part thereof, or such enclosure shall cease to be a gaol or lock-up.

Gaol  
discipline

(2) The Governor in Council shall have power to make rules and regulations for the management, discipline and policy of such gaols or lock-ups and for fixing and prescribing the duties and conduct of the gaoler and every other officer or servant employed therein and for the diet, bedding, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons confined therein, and to annul, alter and amend the same from time to time; and all gaolers, officers, prisoners and other persons shall be bound to obey such rules and regulations.

Conditions  
upon which  
prisoners are  
kept

(3) The Governor in Council shall also have power from time to time to prescribe the terms and conditions upon which persons convicted or accused of any offence under any Ordinance of the North-West Territories or any municipal bylaw or regulation, or sentenced to confinement under any such Ordinance, bylaw or regulation, or arrested under any civil process, shall be received and kept in any gaol or lock-up created under the authority of this section; and he may from time to time specify what gaols and lock-ups shall be available for the confinement of such persons. 54-55 Vic., c. 22, s. 14.

Limitation of  
time for  
proceedings

**81.** In all cases in the Territories when proceedings before justices of the peace are authorised to be summary and when no time is specially limited for making any complaint or laying any information in the Act or law relating to the particular case, the complaint shall be made and the information shall be laid within twelve months from the time when the matter of the complaint or information arose.

#### CORONERS AND INQUESTS.

Who shall  
be coroners

**82.** The Indian Commissioner for the Territories, the judges of the Supreme Court, the commissioner and assistant commissioner of the North-West Mounted Police and such other persons as the Lieutenant Governor from time to time appoints, shall be coroners in and for the Territories.

**83.** Except as hereinafter provided no inquest shall be held upon the body of any deceased person by any coroner unless it has been made to appear to such coroner that there is reason to believe that the deceased died from violence or unfair means or by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation and not through mere accident or mischance. When inquests may be held

**84.** Upon the death of any prisoner the gaoler or officer in charge of the gaol wherein such prisoner dies shall immediately give notice to the nearest resident coroner and such coroner shall proceed forthwith to hold an inquest upon the body. Deceased prisoners

**85.** It shall not be necessary in any case that a coroner's jury shall exceed six persons but in every case of an inquest six jurors must agree in order to render the verdict valid. Number of jury

**86.** Coroners shall have the same powers to summon witnesses and to punish them for disobeying a summons to appear or for refusing to be sworn or to give evidence as are enjoyed by justices of the peace. Powers of coroners

**87.** The fees of coroners, jurors and witnesses attending criminal trials and inquests may be fixed from time to time by the Governor in Council and paid in such manner as he directs. Fees

#### ADMINISTRATION OF CIVIL JUSTICE.

**88.** Every judge of the Supreme Court shall have jurisdiction, power and authority to hold courts, whether established by Ordinance of the Legislative Assembly or not, at such times and places as he thinks proper and at such courts as sole judge to hear all claims, disputes and demands whatsoever except as herein provided, which are brought before him and to determine any questions arising thereout, as well of fact as of law, in a summary manner; and such courts shall be open public courts. Civil jurisdiction of judge

(2) Provided that in cases where the claim, dispute or demand arises out of a tort, wrong or grievance and in which the amount claimed exceeds five hundred dollars, or if for a debt or on a contract in which the amount claimed exceeds one thousand dollars, or for the recovery of the possession of real property, if either party demands a jury or in any such case in which the judge thinks fit so to direct, he may direct that all questions of fact therein shall be tried and determined by a sworn jury of six in number summoned in the manner hereinbefore provided as to criminal trials. Trial by jury in certain cases

(3) Provided further that in cases of disputed accounts the judge may in place of a trial by jury direct the evidence to be taken by the clerk of any court or by any other competent person; which clerk or other person shall be sworn to take the same truly and to reduce it to writing. Reference of disputed accounts

(4) The judge may give judgment on the verdict of the jury or upon the evidence taken by the clerk or other person as

No action for  
gambling  
debts or  
intoxicants

aforesaid or may order a new trial when justice seems to require the same; and in all cases a judge may give such judgment and make such orders and decrees, interlocutory and final, as in such cases brought before him appear just and agreeable to equity and good conscience; but no court or judge in the Territories shall have jurisdiction in respect of any action for a gambling debt or for the price of any intoxicating liquor or intoxicant or of any action by any person on any promissory note, bill of exchange, cheque, draft or other document or writing whatsoever, the consideration or any part of the consideration for which, was a gambling debt or any intoxicating liquor or intoxicant. 60-61 Vic., c. 28, s. 15.

Judgment,  
how given

**89.** Every judgment of the judge shall be pronounced in open court as soon as may be after the hearing of the case; except that in any case where the judge is not prepared to pronounce judgment at the close of the trial he may postpone judgment and deliver and enter the same subsequently and such judgment shall be as effectual as if rendered in court at the trial.

Execution  
of judgment

**90.** The proceedings to carry into effect any such judgment, order or decree, whether interlocutory or final, shall be as prescribed by any Ordinance of the Legislative Assembly; or if no such Ordinance is in force when any such judgment, order or decree is rendered, then in such manner as the judge who pronounced the same directs. 60-61 Vic., c. 28, s. 16.

Governor in  
Council may  
repeal sections  
88 to 90 by  
proclamation

**91.** The Governor in Council may from time to time by proclamation declare that the three sections next preceding, or any of them, or any portion or portions of the said sections or of any of them, shall be repealed from and after the date named in such proclamation. 57-58 Vic., c. 17, s. 10.

#### PROHIBITION OF INTOXICANTS.

Intoxicants  
not to be  
manufactured,  
etc., without  
permission

**92.** No intoxicating liquor or intoxicant shall be manufactured, compounded or made in the Territories, except by special permission of the Governor in Council: nor shall any intoxicating liquor or intoxicant be imported or brought into the Territories from any Province of Canada, or elsewhere, or be sold, exchanged, traded or bartered, or had in possession therein, except by special permission, in writing, of the Lieutenant Governor.

Customs and  
excise laws  
to apply

(2) Intoxicating liquors or intoxicants imported or brought from any place out of Canada into the Territories, by special permission in writing of the Lieutenant Governor, shall be subject to the customs and excise laws of Canada.

Return of  
permissions

**93.** The Lieutenant Governor shall make an annual return, up to the thirty-first day of December in each year, of the number of such permissions so given by him, and the quantity and nature of the intoxicating liquors and intoxicants in each case, to the Minister of the Interior, who shall lay the same before Parliament.

**94.** If any such intoxicating liquor or intoxicant is manufactured or made in the Territories, or is imported or brought into the Territories, or is sold, exchanged, traded or bartered in violation of the provisions of this Act, such liquor or intoxicant shall be forfeited, and may be seized by any officer of the customs or excise, or by any constable or other duly qualified person wheresoever found; and any judge of the Supreme Court or justice of the peace on complaint made before him may, on the evidence of one credible witness that the provisions of this Act have been violated in respect thereof, order such intoxicating liquor or intoxicant so seized to be forthwith destroyed; or if such liquor or intoxicant has not been seized such judge or justice of the peace on complaint as aforesaid may issue a search warrant, as in cases of stolen goods, and upon the same being found may cause them to be forthwith destroyed; and the still, machinery, keg, barrel, case, box, package or receptacle whence or in which any intoxicating liquor or intoxicant has been manufactured, imported or made, sold, exchanged, traded or bartered, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the remainder of the contents thereof, if such still, machinery, barrel, keg, case, box, package, receptacle or vessel aforesaid, respectively, can be identified, may be seized by any officer of the customs or excise or by any constable or other duly qualified person wheresoever found within the Territories; and any judge of the Supreme Court or justice of the peace may, on complaint before him and on the evidence of one credible witness that the provisions of this Act have been violated in respect thereof, declare such intoxicating liquor or intoxicant, still, machinery, vessel or receptacle forfeited and cause the same to be forthwith destroyed; and the person in whose possession any of them are found shall incur a penalty not exceeding \$200 and not less than \$50 with costs; and a moiety of such penalty shall belong to the person laying the information, and the other moiety thereof shall belong to Her Majesty for the public uses of Canada. 54-55 Vic., c. 22, s. 15.

Forfeiture  
of intoxicant

Search  
warrant may  
be granted

Still,  
machinery  
and receptacle  
may be seized

And forfeited

Penalty and  
application  
thereof

(2) Every vehicle on which any such intoxicating liquor or intoxicant is imported or conveyed into or through or over any portion of the Territories contrary to the provisions of this Act shall, together with the horses or other cattle employed in drawing any such vehicle as aforesaid, be forfeited to Her Majesty and may be seized and dealt with accordingly. 51 Vic., c. 19, s. 18.

Vehicles  
conveying  
liquor may  
be seized

**95.** Every person who without special permission as aforesaid issued to him, manufactures, makes, compounds, imports, sells, exchanges, trades or barters any intoxicating liquor or intoxicant, or in whose possession or on whose premises any intoxicating liquor or intoxicant of any kind is, without such special permission issued to him, shall incur a penalty not exceeding \$200 and not less than \$50,—a moiety of which penalty shall belong to the person laying the information. 54-55 Vic., c. 22, s. 16.

Penalty for  
manufacturing  
intoxicating  
liquors, etc.,  
without  
permission

Penalty for  
having articles  
exchanged for  
intoxicants in  
possession

**96.** Every person who knowingly has in his possession any article, chattel, commodity or thing purchased, acquired, exchanged, traded or bartered, either wholly or in part, for any intoxicating liquor or intoxicant shall for each offence incur a penalty not exceeding \$200 and not less than \$50,—a moiety of which penalty shall belong to the informer.

Forfeiture of  
things  
accessory to  
offence

**97.** Every article, chattel, commodity or thing, in the purchase, acquisition, exchange, trade or barter of which the consideration either wholly or in part is any intoxicating liquor or intoxicant, shall be forfeited to Her Majesty and shall be seized as hereinbefore provided in respect to any receptacle of any intoxicating liquor or intoxicant.

Penalty for  
refusing to  
assist  
constable

**98.** Every person who refuses or neglects to aid any constable, sub-constable or other duly authorised person in the execution of any act or duty required under any of the six sections next preceding, or who knowingly refuses to give information or gives false information in respect to any matter arising therefrom, shall incur a penalty not exceeding \$200 and not less than \$50,—a moiety of which penalty shall belong to the informer.

Recovery of  
penalties

**99.** Every penalty incurred under any of the seven sections next preceding shall be recoverable with costs on summary conviction on the evidence of one credible witness before any judge of the Supreme Court or justice of the peace, who shall on payment of such penalty and costs pay the informer his share thereof; and in case of non-payment of the penalty and costs immediately after conviction the convicting judge or justice of the peace may in his discretion levy the same by distress and sale or may commit the person who is so convicted and makes default to any common gaol or house of correction or lock-up house for a term not exceeding six months with or without hard labour, unless the said penalty and costs are sooner paid; and upon conviction for a subsequent offence the offender shall be liable to a penalty not exceeding \$400 and not less than \$200, payable and recoverable as in this section provided and, in the discretion of the convicting judge or justice of the peace, to imprisonment with or without hard labour in any common gaol or house of correction or lock-up house for a further term not exceeding six months.

Penalty for  
a subsequent  
offence

Conviction,  
etc., not  
invalid for  
want of form

**100.** No seizure, prosecution, conviction or commitment under this Act shall be invalid for want of form, so long as the same is according to the true intent and meaning of this Act.

#### SALE OF ARMS AND AMMUNITION.

Interpretation

**101.** In this section—

“Improved  
arm.”

(a) The expression “improved arm” means and includes all arms except smooth bore shot guns;

“Ammuni-  
tion”

(b) The expression “ammunition” means fixed ammunition or ball cartridge.



(2) Every person who, in the Territories,—

(a) Without the permission in writing (the proof of which shall be on him) of the Lieutenant Governor, or of a commissioner appointed by him to give such permission, has in his possession or sells, exchanges, trades, barter or gives to, or with any person, any improved arm or ammunition, or—

Supplying arms and ammunition without a permit

(b) Having such permission, sells, exchanges, trades, barter or gives any such arm or ammunition to any person not lawfully authorised to possess the same—

Or to unauthorised persons;

shall on summary conviction before a judge of the Supreme Court or two justices of the peace, be liable to a penalty not exceeding \$200, or to imprisonment for any term not exceeding six months, or to both.

To be offences, and how punishable

(3) All arms and ammunition which are in the possession of any person, or which are sold, exchanged, traded, bartered or given to or with any person in violation of this section, shall be forfeited to the Crown, and may be seized by any constable or other peace officer; and any judge of the Supreme Court or justice of the peace may issue a search warrant to search for and seize the same, as in the case of stolen goods.

Search for and seizure of arms and ammunition sold contrary to this section

(4) The Governor in Council may, from time to time, make regulations respecting—

Regulations by Governor in Council

(a) The granting of permission to sell, exchange, trade, barter, give or possess arms or ammunition;

Permits for arms, etc.

(b) The fees to be taken in respect thereof;

Fees

(c) The returns to be made respecting permissions granted; and—

Returns

(d) The disposition to be made of forfeited arms and ammunition.

Disposition

(5) The provisions of this section respecting the possession of arms and ammunition shall not apply to any officer or man of Her Majesty's forces, of the Militia force, or of the North-West Mounted Police force.

Proviso

(6) The Governor in Council may from time to time declare by proclamation that upon and after a day therein named this section shall be in force in the Territories, or in any place or places therein in such proclamation designated; and upon and after such day, but not before, the provisions of this section shall take effect and be in force accordingly.

Section may be proclaimed in force at any place in N.W.T.

(7) The Governor in Council may in like manner, from time to time, declare this section to be no longer in force in any such place or places, and may again, from time to time, declare it to be in force therein.

And proclamation may be revoked

(8) All courts, judges and justices of the peace shall take judicial notice of any such proclamation.

To be judicially noticed

#### APPEALS FROM JUSTICES OF THE PEACE.

**102.** The court of appeal from convictions and orders of justices of the peace in the Territories shall be a judge of the Supreme Court sitting without a jury; and the clerk of the

Court of appeal from justices of the peace

peace or other proper officer mentioned in the *Act respecting summary proceedings before justices of the peace* shall in the Territories mean the clerk of the Supreme Court of the judicial district within which such conviction takes place or such order is made.

## LUNATICS.

Removal of lunatics in custody, by order of Lt. Governor

**103.** Whenever under any law or Ordinance in force in the Territories, any insane person is kept in custody until the pleasure of the Lieutenant Governor is known or until such person is discharged by law, the Lieutenant Governor may cause such person to be removed to and confined in any asylum or place of confinement from time to time designated for that purpose by the Governor in Council, and the superintendent or warden of such asylum or place of confinement shall receive such person and detain him therein until the pleasure of the Lieutenant Governor is known or until such person is discharged by law.

Removal of lunatics confined before date specified

(2) The Lieutenant Governor of the Province of Manitoba may cause any insane person who came from the Territories and who was confined in a temporary lunatic asylum on the twentieth day of July, one thousand eight hundred and eighty-five, to be removed to the Manitoba lunatic asylum; and the superintendent of the said asylum or the superintendent of such temporary lunatic asylum, as the case may be, shall detain every such person committed to his keeping until the pleasure of the Lieutenant Governor is known, or until such person is discharged by law.

Recapture of lunatics escaping from confinement

**104.** If any insane person confined in such asylum or place of confinement under this Act, escapes therefrom, any of the officers or servants thereof or any other person or persons at the request of such officers or servants or any of them, may within forty-eight hours after such escape if no warrant has been issued and within one month after such escape if a warrant in the form in the schedule to this Act has been issued by the superintendent or warden of such asylum or place of confinement in that behalf, retake such escaped person and return him thereto; and he shall remain in custody therein under the authority by virtue of which he was detained prior to such escape.

Manitoba to be indemnified for care of lunatics from N.W.T.

**105.** The Minister of the Interior may, subject to the approval of the Governor in Council, make such arrangements with the Lieutenant Governor of Manitoba as seem reasonable as to the compensation to be made by Canada to that Province for the care and maintenance of persons detained in the Manitoba lunatic asylum or in such temporary asylum as aforesaid.

(Section 106 is placed under heading "*The Lieutenant Governor.*")

## ROAD ALLOWANCES.

Control of road allowances

**107.** All road allowances in townships now or hereafter surveyed and subdivided in the Territories and all road allow-

ances set out on block lines now or hereafter surveyed in the Territories, the plans of survey whereof have been duly approved, shall be subject to the direction, management and control of the Lieutenant Governor in Council for the public use of the Territories, subject to any Ordinance made or to be made with respect thereto. 60-61 Vic., c. 28, s. 18.

**108.** On the Minister of the Interior receiving notice from the Lieutenant Governor in Council of any particular thoroughfare or public travelled road or trail in the Territories which existed as such prior to the subdivision of the land into sections and which it is desired to have transferred to the Territories, the Governor in Council may pass an order authorizing the survey of such road or trail by a Dominion land surveyor, such survey to be made under instructions from the Lieutenant Governor in accordance with a manual of instructions regarding the manner of making such surveys approved by the Surveyor General of Dominion lands; and upon approval of the returns of such survey by the Surveyor General one copy thereof shall be filed in the Department of the Interior and one in the Land Titles Office for the district within which such road or trail is situated; and such road or trail may then be transferred by the Governor in Council for the use of the Territories subject to any rights which may have been acquired under letters patent issued previous to such transfer.

(2) The width of such road or trail shall be one chain or sixty-six feet; and in making the survey the surveyor shall make such changes in the location of the road or trail as he finds necessary for improving it, without however altering its main direction. 60-61 Vic., c. 28, s. 19.

**(21.)** Subject to any Ordinances made with respect thereto, the Lieutenant Governor in Council may close up any road allowance or trail which has been transferred to the Territories or vary its direction, and may open and establish any new highway instead thereof, and may deal with the land in any road allowance, public travelled road or trail so closed as he sees fit. Closing up old roads, etc. 60-61 Vic., c. 28, s. 20.

(2) Notwithstanding section six of chapter fifteen of the Statutes of 1892 any action heretofore taken by the Lieutenant Governor in the manner provided in subsection one of this section with respect to roads or trails, with the consent of the Governor in Council, but without the concurrence of the Assembly of the North-West Territories, is hereby declared to have been and to be valid. 57-58 Vic., c. 17, c. 21 (2.)

**(21.)** The Lieutenant Governor in Council may cause to be surveyed and marked on the ground such roads or trails as are from time to time deemed necessary to aid in the development of any district which cannot be served by existing road allowances or by old trails mentioned in the section substituted for section one hundred and eight of the said Act by section nineteen of this Act. Survey of new roads

(2) Such roads shall be laid out one chain or sixty-six feet in width; and in making the survey the manual of instructions

mentioned in the said section shall be followed and one copy of the returns of such survey shall be filed in the Land Titles Office for the district within which such trail is situated and a second copy in the offices of the North-West Government at Regina. 60-61 Vic., c. 28, s. 21.

#### GENERAL PROVISIONS.

Provision  
when there  
are no such  
officers as are  
designated  
in Act of  
Parliament

**109.** Whenever in any Act of the Parliament of Canada in force in the Territories any officer is designated for carrying on any duty therein mentioned and there is no such officer in the Territories, the Lieutenant Governor in Council may order by what other person or officer such duty shall be performed,—and anything done by such person or officer under such order shall be valid and lawful in the premises; or if it is in any such Act ordered that any document or thing shall be transmitted to any officer, court, Territorial division or place, and there is then in the Territories no such officer, court or Territorial division or place, the Lieutenant Governor in Council may order to what officer, court or place such transmission shall be made or may dispense with the transmission thereof.

English and  
French  
languages

**110.** Either the English or the French language may be used by any person in the debates of the Legislative Assembly of the Territories and in the proceedings before the courts; and both those languages shall be used in the records and journals of such Assembly; and all Ordinances made under this Act shall be printed in both those languages: Provided, however, that after the next general election of the Legislative Assembly, such Assembly may, by Ordinance or otherwise, regulate its proceedings and the manner of recording and publishing the same; and the regulations so made shall be embodied in a proclamation which shall be forthwith made and published by the Lieutenant Governor in conformity with the law, and thereafter shall have full force and effect. 54-55 Vic., c. 22, s. 18.

Proviso  
Proceedings  
in Assembly

Certain  
printed copies  
of laws, etc.,  
to be evidence

**111.** Any copy of any proclamation or order made by the Governor in Council, or Ordinance, proclamation or order made by the Lieutenant Governor in Council, or by the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the North-West Territories, as the case may be, printed in the *Canada Gazette*, or purporting to be printed by the Queen's Printer for Canada, or by the printer to the Government of Manitoba at Winnipeg, or by the printer to the Government of the North-West Territories, shall be *prima facie* evidence of such proclamation or order, and of the fact that it is in force.

#### APPLICATION OF ACTS TO TERRITORIES.

Application  
of Acts of  
Canada

**112.** Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and except in so far as the same is by its terms applicable only to one or more of the Provinces of Canada, or in so far as any such Act is, for any reason, inapplicable to the Territories, shall subject to the provisions of this Act apply and be in force in the Territories.

(2) The Governor in Council may by proclamation from time to time direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts not then in force in the Territories, shall be in force in the Territories generally or in any part or parts thereof mentioned in such proclamation.

Governor in  
Council may  
extend Acts  
to the  
Territories

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## SCHEDULE.

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### WARRANT TO RETAKE ESCAPED PATIENT.

Manitoba Lunatic Asylum (*or as the case may be.*)

To \_\_\_\_\_ and all or any of  
the peace officers in the County (*or as the case may be*) of \_\_\_\_\_

Whereas, on the \_\_\_\_\_ day of \_\_\_\_\_ last  
past, being within one month from the date hereof, *A.B.*, an  
insane person confined in the Manitoba Lunatic Asylum (*or as*  
the case may be), of which I, \_\_\_\_\_ am  
superintendent (*or warden*), did escape from the said asylum  
(*or as the case may be*):

These are therefore to authorise and command you or any  
of you the said constables or peace officers in Her Majesty's  
name at any time within one month from the date of the said  
escape to retake the said *A.B.* and safely convey him to this  
asylum (*or as the case may be*) and deliver him into my charge.

Given under my hand and seal this  
day of \_\_\_\_\_ in the year  
\_\_\_\_\_ at \_\_\_\_\_, in the county  
aforesaid.

(*Signature.*) [L.S.]  
Superintendent.

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### OATH OF QUALIFICATION OF A JUSTICE OF THE PEACE FOR THE NORTH-WEST TERRITORIES.

I, *A. B.*, of \_\_\_\_\_ in the North-West Territories,  
do swear that I truly and *bona fide* have to and for my own  
proper use and benefit an estate in fee simple in lands situate  
in the North-West Territories of such value as doth qualify  
me to act as a justice of the peace, according to the true intent  
and meaning of the statute in that behalf and that such lands  
are the following :—

So help me God.

Sworn (*or affirmed*) before me, }  
at this day } (*Signature.*)  
day of \_\_\_\_\_ A.D., 18

OATH OF OFFICE OF A JUSTICE OF THE PEACE FOR THE NORTH-  
WEST TERRITORIES.

I, *A. B.*, of \_\_\_\_\_ in the North-West Territories,  
do swear that I will well and truly serve our Sovereign Lady  
Queen Victoria in the office of justice of the peace and will do  
right to all manner of people, after the laws and usages of  
these Territories, without fear or favour, affection or ill-will.  
So help me God.

Sworn (*or affirmed*) before me, }  
     at                      this  
     day of                A.D. 18        }

(*Signature.*)

57-58 Vic., c. 17.

# SCHEDULE.

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The following Schedule shews the application of the several amending acts as included in the foregoing compilation :

## Act of 1887.

- Section 1. Repealed by s. 13 of Act of 1891.  
2. Obsolete. Provided for appeals then pending to Queen's Bench, Manitoba.

## Act of 1888.

1. Repeals ss. 7, 8, 10 and 18 to 25 of Act, both inclusive.  
2. Repealed by s. 2 of Act of 1891, and s. 11 of Act of 1894.  
3, 4. Repealed by ss. 3, 4 of Act of 1891.  
5. Repealed by s. 12 of Act of 1894.  
6. Repealed by s. 5 of Act of 1891.  
7, 8, 9. New. Under heading "The Legislative Assembly."  
10. Repealed by s. 13 of Act of 1894.  
11, 12. New. Under heading "The Legislative Assembly."  
13. Repealed by s. 14 of Act of 1894.  
14. New. Under heading "The Legislative Assembly."  
15. Repealed by s. 14 of Act of 1894.  
16. Repealed by s. 17 of Act of 1897.  
17. Amends s. 106 of Act.  
18. Amends s. 94 of Act.  
19. Act to be construed as one with Cap. 50.

## Act of 1891.

- Section 1. Interprets "Act" and "Amending Act."  
2. Repealed by s. 15 of Act of 1894.  
3, 4. New. Under heading "The Legislative Assembly."  
5. Superseded by The Elections Ordinance.  
6. New section 13 of Act.  
7. New section 52 of Act.  
8. Amends section 56 of Act.  
9. New section 67 of Act.  
10. New section 68 of Act.  
11, 12. New. Under head, "Administration of Criminal Law."  
13. New section 79 of Act.  
14. New section 80 of Act.  
15. Amends section 94 of Act.  
16. New section 95 of Act.  
17. Repealed by s. 19 of Act of 1897.  
18. New section 110 of Act.  
19. New. Under heading, "The Legislative Assembly."  
Schedule, superseded by Cap. 2, Consolidated Ordinances.

## Act of 1894.

- Section 1. Repealed by s. 2 of Act of 1895.  
 2. Repeals s. 15 of the Act.  
 3. Repealed by s. 3 of Act of 1898.  
 4. Amends s. 50 of Act.  
 5. New section 59 of Act.  
 6. Repeals ss. 60 and 61 of Act.  
 7. Amends s. 64 of Act.  
 8. Amends s. 71 of Act.  
 9. Amends s. 72 of Act.  
 10. New section 91 of Act.  
 11. Repeals ss. (4) of s. 2 of c. 19, Act of 1888.  
 12. Repeals s. 5 of c. 19, Act of 1888.  
 13. New. Under heading "The Legislative Assembly."  
 14. Repeals ss. 13 and 15 of Act of 1888.  
 15. New. Under heading "The Legislative Assembly."  
 16. Amends s. 3 of Act of 1891. Proviso obsolete.  
 17. Repealed by s. 8 of Act of 1897.  
 18. Repealed by s. 9 of Act of 1897.  
 19. New. Under heading "Administration of Justice."  
 20. New. Under heading "The Legislative Assembly."  
 21. ss. (1.) Repealed in 1897.  
 ss. (2.) New. Under heading "Road Allowances."  
 Schedule of forms. Appended to Act.

## Act of 1895.

- Section 1, 2. Amend section 13 of Act.  
 3. Ratifies Ordinance 6 of 1894 (Irrigation.)  
 4. Superseded by Cap. 2, Consolidated Ordinances.

## Act of 1897.

- Section 1. Interprets "the said Act."  
 2. Amends s. 2 of Act.  
 3. Amends s. 2 of Act.  
 4. Amends s. 11 of Act.  
 5. Amends s. 12 of Act.  
 6. Amends s. 13 of Act.  
 7. New section 16 of Act.  
 8. New. Under heading "The Executive Council."  
 9. New. Under heading "The Legislative Assembly."  
 10. Amends s. 56 of Act.  
 11, 12, 13. Amend s. 64 of Act.  
 14. Amends s. 66 of Act.  
 15. Amends s. 88 of Act.  
 16. Amends s. 90 of Act.  
 17. Repeals s. 16, Act of 1888.  
 18. New section 107 of Act.  
 19. New section 108 of Act.  
 20. Amends s. 21 of Act of 1894, under heading "Road Allowances."  
 21. New. Under heading "Road Allowances."  
 22. Repeals s. 6 of Act of 1892.  
 23. Time of commencement.

## Act of 1898.

- Section 1, 2. Amend s. 14 of the Act.  
 3. New section 49 of the Act.



## ERRATA.

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Page 175, lines 13, 19 and 24, between "schedule" and "hereto," insert "2."

Page 381, line 3, strike out "to" where it lastly occurs, substitute "by."





# THE CONSOLIDATED ORDINANCES

OF THE

## NORTH-WEST TERRITORIES

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### TITLE I.

#### PRELIMINARY.

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#### CHAPTER 1.

An Ordinance respecting the Form and Interpretation of Ordinances.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Interpretation Or- Short title dinance.*" R.O. c. 1, s. 1.

#### THE CONSOLIDATED ORDINANCES—CITATION.

2. This Ordinance and following series of Ordinances shall constitute and may be cited for all purposes as "*The Consolidated Ordinances of the Territories 1898,*" and any chapter of the said consolidated Ordinances may be cited and referred to for all purposes whatever either by its title as an Ordinance or by its short title or by using the expression "*The Ordinance* (or *The Consolidated Ordinance*) *respecting* ——" (adding the remainder of the title given at the beginning of the particular chapter) or by using the expression "*The Consolidated Ordinances*" or "*The Consolidated Ordinances of the Territories*" together with a reference to the number of the particular chapter in the copies printed by authority. R.O. c. 1, s. 2 ; No. 38 of 1897, s. 2 (1). No. 37 of 1898 s. 5.

## APPLICATION.

Application of  
this Ordinance

**3.** This Ordinance and every provision thereof shall extend and apply to every Ordinance of the Territories now or hereafter passed except in so far as the provision is inconsistent with the intent and object of such Ordinance or the interpretation which such provision would give to any word, expression or clause is inconsistent with the context and except in so far as any provision hereof is in any such Ordinance declared not applicable thereto; and the omission in any Ordinance of a declaration that *The Interpretation Ordinance* applies thereto shall not be construed to prevent it so applying although such express declaration is inserted in some other Ordinance or Ordinances of the same session. R.O. c. 1, s. 3; No. 38 of 1897, s. 2 (2).

## FORM OF ENACTING.

Form of  
enacting  
clause

**4.** The following words may be inserted in the preambles of Ordinances and shall indicate the authority by virtue of which they are passed: "The Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows." R.O. c. 1, s. 4.

Preamble and  
operative part  
of Ordinances

**5.** After the insertion of the words aforesaid, which shall follow the setting forth (if any) of the considerations or reasons upon which the law is grounded and which shall with these considerations or reasons constitute the entire preamble, the various clauses of the Ordinance shall follow in a concise and enunciative form. R.O. c. 1, s. 5.

## TIME OF COMMENCEMENT OF ORDINANCES.

Indorsement  
of assent

**6.** The clerk of the Legislative Assembly shall indorse on every Ordinance of the Territories immediately after the title of such Ordinance, the day, month and year when the same was by the Lieutenant Governor assented to or reserved by him for the assent of the Governor General; and in the latter case such clerk shall also indorse thereon the day, month and year when the Lieutenant Governor has signified (either by speech or message to the Legislative Assembly or by proclamation) that the same was laid before the Governor General and that the Governor General was pleased to assent to the same; and such indorsement shall be taken to be a part of such Ordinance; and the date of such assent or signification (as the case may be) shall be the date of the commencement of the Ordinance if no later commencement is therein provided. R.O. c. 1, s. 6.

## AMENDMENT OR REPEAL.

Amendment  
of law in same  
session

**7.** Any Ordinance of the Territories may be amended, altered or repealed by any Ordinance passed in the same session. R.O. c. 1, s. 7.

## INTERPRETATION.

8. In every Ordinance unless the context otherwise re- Interpretation quires:

1. The law shall be considered as always speaking; and whenever any matter or thing is expressed in the present tense the same shall be applied to the circumstances as they arise so that effect may be given to each Ordinance and every part thereof according to its spirit, true intent and meaning; Law always speaking

2. The expression "shall" shall be construed as imperative, "Shall" and the expression "may" as permissive; "May"

3. Whenever the expression "herein" is used in any section "Herein" of an Ordinance it shall be understood to relate to the whole Ordinance and not to that section only;

4. The expression "Her Majesty," "the Queen," or "the Crown," means Her Majesty, her Heirs and Successors. The Sovereign reigns of the United Kingdom of Great Britain and Ireland;

5. The expression "Lieutenant Governor" means the Lieutenant Governor for the time being or other chief executive officer or administrator for the time being carrying on the government of the Territories by whatever title he is designated; "Lieutenant Governor"

6. The expression "Lieutenant Governor in Council" means the Lieutenant Governor or person administering the government of the Territories for the time being acting by and with the advice of or by and with the advice and consent of or in conjunction with the Executive Council of the said Territories; "Lieutenant Governor in Council"

7. The expression "Government," "Government of the Territories" or "North-West Government" used in any Ordinance whenever enacted means Her Majesty the Queen acting for the Territories; "Government"

8. The expression "the United Kingdom" means the United Kingdom of Great Britain and Ireland; "United Kingdom"

9. The expression "the United States" means the United States of America; "United States"

10. The expression "Territories" means the North-West Territories as defined by *The North-West Territories Act* excepting that portion of the said Territories declared by *The Yukon Territory Act* to constitute the Yukon Territory; "Territories"

11. The name commonly applied to any country, place, body, corporation, society, officer, functionary, person, party or thing means such country, place, body, corporation, society, officer, functionary, person, party or thing, although such name is not the formal and extended designation thereof; Name of country, place, officer, etc.

12. The expression "proclamation" means a proclamation under the seal of the Territories; "Proclamation"

13. When the Lieutenant Governor is authorised to do any act by proclamation such proclamation is to be understood to be a proclamation issued under an Order of the Lieutenant Acts by proclamation

Governor in Council but it shall not be necessary that be it mentioned in the proclamation that it is issued under such Order ;

- Number and gender      14. Words importing the singular number or the masculine gender only include more persons, parties or things of the same kind than one and females as well as males and the converse ;
- " Person "      15. The expression " person " includes any body corporate and politic or party and the heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to law ;
- " Writing "      16. The expression " writing," " written " or any term of like import includes words printed, painted, engraved, lithographed or otherwise traced or copied ;
- " Now "      17. The expression " now " or " next " shall be construed as  
" Next "      having reference to the time when the Ordinance was assented to ;
- " Month "      18. The expression " month " means a calendar month ; and  
" Year "      the expression " year " means a calendar year ; and the number of any year (unless the contrary is indicated) means " the year of our Lord " without the mention of " the year of our Lord ;"
- " Holiday "      19. The expression " holiday " includes Sunday, New Year's day, Ash Wednesday, Good Friday, Easter Monday, the second Friday in May to be known as Arbour day, Christmas day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning Sovereign, Dominion day, Labour day and such day as may in each year be proclaimed a public holiday for the planting of forest and other trees and any other day appointed by proclamation for a general fast or thanksgiving ;
- " Gazette "      20. The term " gazette " or " official gazette " whenever enacted means *The North-West Territories Gazette* published by the Queen's printer under the authority of the Lieutenant Governor in Council ;
- Time expiring      21. If the time limited by any Ordinance for any proceeding  
on holiday      or the doing of anything under its provisions expires or falls upon a holiday, the time so limited shall be extended to and such thing may be done on the day next following which is not a holiday ;
- Standard time      22. The time used upon the Canadian Pacific railway and known as " mountain standard time " (being the local time at the one hundred and fifth meridian of longitude) is hereby declared to be the standard time of the Territories ; and when any Ordinance refers to any particular time of day such standard time shall be considered to be meant ;
- " Felony "      23. The expression " felony " shall mean any crime which before the passing of *The Criminal Code* 1892 would have been a felony under the law of Canada ; and " misdemeanour " shall mean any crime or offence which before the passing of the said Code would have been a misdemeanour under the said law ;

24. The expression "oath" includes a solemn affirmation or "Oath" declaration whenever the context applies to any person and case by whom and in which a solemn affirmation or declaration may be made instead of an oath; and in like cases the expression "sworn" includes the expression "affirmed" or "declared;" "Sworn"

25. Whenever (by any Ordinance or by any Order, regulation or commission made or issued by the Lieutenant Governor or Lieutenant Governor in Council under any law authorising him to require the taking of evidence under oath) an oath is authorised or directed to be made, taken or administered, such oath may be administered and a certificate of its having been made, taken or administered may be given by any one named in any such Ordinance, Order, regulation or commission, or by a judge of any court, a notary public, a justice of the peace or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath is administered; Officers to take oaths

26. The expression "sureties" means sufficient sureties and the expression "security" means sufficient security; and whenever these words are used one person shall be sufficient therefor unless otherwise expressly required; "Sureties"  
"Security"

27. The expression "magistrate" means justice of the peace; 'Magistrate'.

28. The expression "justice" means a justice of the peace "Justice" and includes two or more justices if two or more justices act or have jurisdiction and also any person having the power or authority of two or more justices of the peace;

29. If anything is directed to be done by or before a magistrate or a justice of the peace or other public functionary or officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done; Official jurisdiction

30. Whenever power is given to any person, officer or functionary to do or to enforce the doing of any act or thing, all such powers shall be understood to be also given as are necessary to enable such person, officer or functionary to do or enforce the doing of such act or thing; Implied powers

31. If in any Ordinance any person is directed to be imprisoned or committed to prison, such imprisonment or committal shall (if no other place is mentioned or provided by law) be in or to the common gaol of the locality in which the order for such imprisonment is made or if there is no common gaol there then in or to that common gaol which is nearest to such locality; and the keeper of any such common gaol shall receive such person and safely keep and detain him in such common gaol under his custody until discharged in due course of law or bailed in cases in which bail may by law be taken; Imprisonment

32. If any sum of the public money be by any Ordinance appropriated for any purpose or directed to be paid by the Lieutenant Governor, the Lieutenant Governor in Council or the North-West Government, then (if no other provision be made respecting it) such sum shall be payable under warrant of the Lieutenant Governor directed to the Treasurer of the Territories out of the general revenue fund of the Territories; and Public expenditure

all persons entrusted with the expenditure of any such sum or any part thereof shall account for the same in such manner and form with such vouchers at such periods and to such officers as the Lieutenant Governor may direct ;

Appointment,  
removal, etc.,  
of officials

33. Words authorising the appointment of any public officer or functionary or any deputy include the power of removing or suspending him, reappointing or reinstating him or appointing another in his stead in the discretion of the authority in whom the power of appointment is vested ;

Successors and  
deputies of  
officials

34. Words directing or empowering any public officer or functionary to do any act or thing or otherwise applying to him by his name of office include his successors in such office and his or their lawful deputy ;

Minister of  
Crown

35. Words directing or empowering a minister of the Crown to do any act or thing or otherwise applying to him by his name of office include a minister acting for or (if the office is vacant) in the place of such minister under the authority of *The Territories Public Service Ordinance* or an Order in Council and also his successors in such office and his or their lawful deputy ;

Officers  
retained  
during  
pleasure

36. All officers now appointed or hereafter appointed under the authority of an Ordinance (whether by commission or otherwise) shall remain in office during pleasure only unless otherwise authorised by law ;

When  
majority may  
act

37. When any act or thing is required to be done by more than two persons a majority of them may do it ;

Effect of  
incorporation

38. Words making any association or number of persons a corporation or body politic and corporate shall vest in such corporation power to sue and be sued, contract and be contracted with by their corporate name ; to have a common seal and to alter or change the same at their pleasure ; and to have perpetual succession ; and power to acquire and hold personal property or movables for the purposes for which the corporation is constituted and to alienate the same at pleasure ; and shall also vest in any majority of the members of the corporation the power to bind the others by their acts ; and shall exempt the individual members of the corporation from personal liability for its debts or obligations or acts provided they do not violate the provisions of the Ordinance incorporating them ;

Forms

39. Whenever forms are prescribed slight deviations therefrom not affecting the substance or calculated to mislead shall not vitiate them ;

Repeal of  
by-laws, etc.

40. Whenever power to make by-laws, regulations, rules or orders is conferred it shall include the power from time to time to alter or revoke the same and make others ;

Private  
Ordinances

41. No provision or enactment in any Ordinance which is of the nature of a private Ordinance shall affect the rights of any person or of any body politic, corporate or collegiate, such only excepted as are therein mentioned or referred to ;

Power of  
repeal  
reserved

42. Every Ordinance shall be so construed as to reserve to the Legislative Assembly the power of repealing or amending



it and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party whenever such repeal, amendment, revocation, restriction or modification is deemed by the Legislative Assembly to be required for the public good ;

43. The repeal of any Ordinance or part of an Ordinance shall not revive any Ordinance or provision of law repealed by such Ordinance or part of an Ordinance or prevent the effect of any saving clause therein ; Effect of repeal limited

44. The repeal or amendment of any Ordinance shall not be deemed to be or to involve any declaration whatsoever as to the previous state of the law ; Repeal no declaration as to law previously

45. Whenever any Ordinance is repealed (wholly or in part) and other provisions are substituted and whenever any regulation is revoked and other provisions substituted all officers, persons, bodies politic or corporate acting under the old law or regulation shall continue to act as if appointed under the new law or regulation until others are appointed in their stead ; and all proceedings taken under the old law or regulation shall be taken up and continued under the new law or regulation when not inconsistent therewith ; and all penalties and forfeitures may be recovered and all proceedings had in relation to matters which have happened before the repeal or revocation in the same manner as if the law or regulation was still in force, pursuing the new provisions as far as they can be adapted to the old law or regulation ; Repeal : Continuation of previous officers, etc.

46. Whenever any Ordinance is repealed (wholly or in part) and other provisions are substituted all by-laws, orders, regulations and rules made under the repealed Ordinance shall continue good and valid in so far as they are not inconsistent with the substituted Ordinance, enactment or provision until they are annulled or others made in their stead ; Repeal : By-laws, etc., continued

47. Whenever any Ordinance or part of an Ordinance is repealed and other provisions are substituted by way of amendment, revision or consolidation, any reference in any unrepealed Ordinance (or in any rule, order or regulation made thereunder) to such repealed Ordinance or enactment shall as regards any subsequent transaction, matter or thing be held and construed to be a reference to the provisions of the substituted Ordinance or enactment relating to the same subject matter as such repealed Ordinance or enactment : Repeal : Reference to old law

Provided always that where there is no provision in the substituted Ordinance or enactment relating to the same subject matter, the repealed Ordinance or enactment shall stand good and be read and construed as unrepealed in so far (but in so far only) as is necessary to support, maintain or give effect to such unrepealed Ordinance or such rule, order or regulation made thereunder ;

48. The repeal of an Ordinance or the revocation of a regulation at any time shall not affect any act done or any right or right of action existing, accruing, accrued or established or any proceedings commenced in a civil cause before the time Repeal : Existing rights reserved

when such repeal or revocation takes effect; but the proceedings in such case shall be conformable when necessary to the repealing Ordinance or regulation;

Enforcement  
of Ordinances

49. Unless otherwise therein specially provided, proceedings for the imposition of punishment by fine, penalty or imprisonment for enforcing any Territorial Ordinance or municipal by-law may be brought summarily before a justice of the peace under the provisions of part LVIII of *The Criminal Code* 1892; and the words "on summary conviction" whenever they occur in any Ordinance shall refer to and mean under and by virtue of part LVIII aforesaid;

Application of  
fines, etc.

50. Any duty, penalty, fine or sum of money or the proceeds of any forfeiture under any law of the Territories shall (if no other provision be made respecting it) belong to the Crown for the public uses of the Territories and form part of the general revenue fund of the Territories;

Recovery of  
penalties in  
unprovided  
cases

51. Where a pecuniary penalty or a forfeiture is imposed for the contravention of any Ordinance then (if the provisions of part LVIII aforesaid are not applicable to the case and if no other mode is prescribed for the recovery of such penalty or forfeiture or if the mode prescribed is not applicable to the case) the penalty or forfeiture shall be recoverable with costs by civil action or proceeding at the suit of the Attorney General or of a private party suing as well for the Crown as himself in the Supreme Court in any judicial district of the Territories; if no other provision is made for the appropriation of the penalty or forfeiture one-half thereof shall belong to the Government of the Territories and the other half shall belong to the private plaintiff if any there be and if there be none the whole shall belong to the Crown;

Repeal:  
Penalties and  
forfeitures not  
affected

52. No offence committed and no penalty or forfeiture incurred and no proceeding pending under any Ordinance at any time repealed or under any regulation at any time revoked shall be affected by the repeal or revocation, except that the proceeding shall be conformable when necessary to the repealing Ordinance or regulation; and whenever any penalty, forfeiture or punishment is mitigated by any of the provisions of the repealing Ordinance or regulation, such provisions shall be extended and applied to any judgment to be pronounced after such repeal or revocation;

Ordinances  
public

Judicial notice

53. Every Ordinance shall (unless by express provision it is declared to be a private Ordinance) be deemed to be a public Ordinance and shall be judicially noticed by all judges, justices of the peace and others;

Printed copies  
of Ordinances

54. Every copy of any Ordinance (public or private) printed by authority of law shall be evidence of such Ordinance and of its contents; and every copy purporting to be so printed shall be deemed to be so printed unless the contrary is shown;

Evidence of  
Orders in  
Council

55. A copy of any regulation or Order of the Lieutenant Governor in Council printed by the Queen's Printer or a written copy thereof attested by the signature of the clerk of the Executive Council shall be evidence of such regulation or

Order; and any Order in writing signed by the member of the Executive Council fulfilling the duties of the Territorial Secretary and purporting to be written by command of the Lieutenant Governor shall be received in evidence as the Order of the Lieutenant Governor;

56. The preamble of every Ordinance shall be deemed a part thereof intended to assist in explaining the purport and object of the Ordinance; and every Ordinance and every provision or enactment thereof shall be deemed remedial (whether its immediate purport is to direct the doing of any thing which the Legislative Assembly deems to be for the public good or to prevent or punish the doing of any thing which it deems contrary to the public good) and shall accordingly receive such fair, large and liberal construction and interpretation as will best insure the attainment of the object of the Ordinance and of such provision or enactment according to its true intent, meaning and spirit;

57. Where reference is made in any Ordinance by number to two or more sections, subsections, clauses or paragraphs of any Ordinance or Statute, the number first mentioned and the number last mentioned shall both be deemed to be included in the reference;

58. Reference by number to any section, subsection, paragraph, clause or line of any other Ordinance shall be deemed to be a reference to such section, subsection, paragraph, clause or line of such other Ordinance as printed by authority of law;

59. Where an Ordinance is not to come into operation immediately on the passing thereof and confers power to hold any election, to make any appointment, to make, grant or issue any instrument, Order in Council, order, warrant, scheme, letters patent, rules, regulations or by-laws, to give notices, to prescribe forms or to do any other thing for the purposes of the Ordinance, that power may (unless the contrary intention appears) be exercised at any time after the passing of the Ordinance so far as may be necessary or expedient for the purpose of bringing the Ordinance into operation at the date of the commencement thereof, subject to this restriction that any such instrument, Order in Council, order, warrant, scheme, letters patent, rules, regulations or by-laws shall not (unless a contrary intention appears in the Ordinance or the contrary is necessary for bringing the Ordinance into operation) come into operation until the Ordinance comes into operation;

60. Nothing in this section shall exclude the application to any Ordinance of any rule of construction applicable thereto and not inconsistent with this section. R.O. c. 1, s. 8; No. 3 of 1891-2, s. 1; No. 3 of 1892; No. 14 of 1893, ss. 1, 2; No. 16 of 1897, s. 9; No. 38 of 1897, s. 2 (3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14); No. 2 of 1898, ss. 1, 2, 3, 4, 5, 6, 8.

#### CUSTODY OF ORDINANCES.

9. All Ordinances heretofore passed, now passed and hereafter to be passed shall be and continue to remain of record in

the custody of the clerk of the Legislative Assembly. R.O. c. 1, s. 9; No. 38 of 1897, s. 2 (15).

#### CERTIFIED COPIES OF ORDINANCES.

Authenti-  
cation of  
copies

**10.** The clerk of the Legislative Assembly shall affix the seal of the Territories to certified copies of all Ordinances intended for transmission to the Secretary of State or required to be produced before courts of justice and in any other case which the Lieutenant Governor in Council may direct; and such copies so certified shall be held to be duplicate originals and also to be evidence (as if printed by lawful authority) of such Ordinances and of their contents. R.O. c. 1, s. 10; No. 2 of 1898, s. 7.

Certified  
copies

**11.** The clerk of the Legislative Assembly shall furnish a certified copy of any Ordinance to any person applying for the same upon receiving from such person such fee (not exceeding ten cents for every hundred words) as the Lieutenant Governor in Council may from time to time direct. R.O. c. 1, s. 11; No. 2 of 1898, s. 7.

Certificate

**12.** The clerk of the Legislative Assembly shall insert at the foot of every such copy so required to be certified a written certificate duly signed and authenticated by him to the effect that it is a true copy; and in case of any Ordinance disallowed after it came into force, "but disallowed by the Governor General in Council, which disallowance took effect on the day of A.D. 1 . ." R.O. c. 1, s. 12.

Disallowance

#### CONSTRUCTION OF THIS ORDINANCE.

Interpretation  
hereof

**13.** The provisions of this Ordinance shall apply to the construction thereof and to the words and expressions used therein. R.O. c. 1, s. 14.

## TITLE II.

### LEGISLATURE; EXECUTIVE AND GENERAL GOVERNMENT.

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#### CHAPTER 2.

An Ordinance respecting the Legislative Assembly of the Territories.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

##### LEGISLATURE.

**1.** The Legislative Assembly shall be composed of thirty-one <sup>Legislative Assembly</sup> members elected to represent the electoral districts set forth in schedule 1 appended to this Ordinance. No 11 of 1895, s. 1; No. 3 of 1898, s. 1.

##### QUORUM.

**2.** The quorum required for the transaction of business in <sup>Quorum</sup> the Legislative Assembly shall be ten, of whom the speaker may be one. No. 11 of 1895, s. 2.

##### SPEAKER AND DEPUTY SPEAKER.

**3.** The Legislative Assembly may elect a deputy speaker; <sup>Deputy speaker</sup> and whenever the speaker from illness or other cause finds it necessary to leave the chair during any part of the sitting of the House on any day he may call upon the deputy speaker (or in his absence upon any member of the House) to take the chair and act as speaker during the remainder of such day unless the speaker himself resumes the chair before the close of such sitting of that day; and the deputy speaker or the member so called upon shall take the chair and act as speaker accordingly; and any Ordinance passed and every order made and thing done by the said Legislative Assembly while such deputy speaker or member is acting as speaker as aforesaid shall be valid and effectual to all intents and purposes as if done while the speaker himself was presiding in the chair. No. 11 of 1895, s. 3; No. 38 of 1897, s. 3 (1).

**4.** Whenever the House is informed by the clerk at the table of the unavoidable absence of the speaker, the deputy speaker <sup>Absence of speaker</sup> (if present) shall take the chair and shall perform the duties and exercise the authority of speaker in relation to all the pro-

ceedings of the House until the meeting of the House on the next sitting day and so on from day to day on the like information being given to the House until the House otherwise orders. No. 11 of 1895, s. 4.

Absence of  
speaker and  
deputy  
speaker

**5.** Whenever the House is informed by the clerk at the table of the unavoidable absence of both the speaker and the deputy speaker, it shall be lawful for the said Assembly to elect a member to take the chair and act as speaker for that day. No. 11 of 1895, s. 5; No. 38 of 1897, s. 3 (2).

Acts done in  
absence of  
speaker

**6.** Every Ordinance passed and every order made and thing done by the said Assembly while such deputy speaker or member is acting or presiding as speaker as aforesaid shall be as valid and effectual to all intents and purposes as if done while the speaker himself was presiding in the chair. No. 11 of 1895, s. 6; No. 38 of 1897, s. 3 (2).

Votes on  
questions in  
Assembly

**7.** Questions arising in the Legislative Assembly shall be decided by a majority of voices other than that of the speaker or acting speaker; and when the voices are equal (but not otherwise) the speaker or acting speaker shall have a vote. No. 11 of 1895, s. 7; No. 38 of 1897, s. 3 (4).

Speaker's  
allowance

**8.** An allowance of \$500 shall be payable to the speaker of the Legislative Assembly for each session of the Legislature. No. 11 of 1895, s. 8; No. 38 of 1897, s. 3 (5).

#### VACATING OF SEATS.

Resignation  
of members

**9.** Any member of the Legislative Assembly may vacate his seat therein in the manner herein provided:

In House

1. He may openly in his place in the Legislative Assembly declare his wish to vacate his seat as a member; and in such case the clerk of the Legislative Assembly shall record the same in the journals and the seat of such member shall be forthwith vacated; or

To speaker

2. He may deliver to the speaker a statement in writing under his hand attested by two witnesses declaring his resignation of such seat; upon a receipt whereof by the speaker (whether during a session of the Assembly or not) the seat of such member shall become vacant. No. 11 of 1895, ss. 9, 10, 11; No. 38 of 1897, s. 3 (6).

To two  
members

**10.** If any member of the Legislative Assembly wishes to resign his seat (whether during or before any session or in the interval between two sessions of the Assembly) and there be then no speaker or such member be the speaker he may address and cause to be delivered to any two members of the Legislative Assembly a statement in writing under his hand attested by two witnesses declaring his resignation of such seat; and upon the receipt thereof by such two members the seat shall become vacant. No. 11 of 1895, s. 12; No. 38 of 1897, s. 3 (7).

**11.** The speaker or such two members as the case may be upon receiving such declaration or resignation shall forthwith address his or their warrant under his or their hand and seal or hands and seals to the clerk of the Executive Council for the issue of a new writ for the election of a member in the place of the member so notifying his intention to resign and such writ shall issue accordingly. No. 11 of 1895, s. 13; No. 38 of 1897, s. 3 (8). Issue of writ to fill vacancy

**12.** Upon any vacancy in the representation of any electoral district created by death or in any way other than by resignation, any two members of the Legislative Assembly may give notice of the vacancy to the clerk of the Executive Council and require the issue of a writ to fill the same: Vacancy other than by resignation

Provided that in case such vacancy shall occur subsequently to a general election and before the first meeting of the Legislative Assembly thereafter such notice and requisition to the clerk of the Executive Council may be given by two members elect of the said Legislative Assembly of whose election the said clerk as such shall have had due notice; and such notice and every such notice and requisition given under this section shall be submitted forthwith after its receipt by the said clerk to the Lieutenant Governor; and upon its return by him to the said clerk indorsed as approved the necessary proceeding shall be taken in pursuance thereof as in the case of a warrant under the next preceding section. No. 38 of 1897, s. 3 (9).

**13.** No member elect to the Legislative Assembly shall be permitted to resign under the provisions of this Ordinance so long as any proceedings are pending under any of the provisions of *The Territories Elections Ordinance* nor until he has been finally declared elected. No. 11 of 1895, s. 14; No. 38 of 1897, s. 3 (10). Resignation not allowed pending election proceedings

**14.** The resignation of a member shall in no way affect the conduct or result of any proceedings taken under the provisions of any Ordinance of the Territories respecting controverted elections. No. 11 of 1895, s. 14. Resignation not to affect proceedings

#### INDEMNITY TO MEMBERS.

**15.** In each session of the Legislative Assembly there shall be allowed and payable to each member attending such session an allowance of \$500 and no more: Member's indemnity

Provided always a deduction at the rate of \$10 per day shall be made from the said sessional allowance for every day on which the member does not attend a sitting of the House or of some committee thereof provided the House sits on such day; but each day during the session (after the first and before the last day on which the member attends as aforesaid) on which there has been no sitting of the House in consequence of its having adjourned over such day or on which the member was prevented by sickness from attending, any such sitting as

aforesaid shall be reckoned as a day of attendance at such session. No. 11 of 1895, s. 15 ; No. 16 of 1896, s. 1.

How paid

**16.** The said compensation may be paid from time to time as the member becomes entitled to it to the extent of \$10 for each day's attendance as aforesaid, but the remainder shall be retained by the Territorial Treasurer until the close of the session when the final payment shall be made. No. 11 of 1895, s. 16 ; No. 38 of 1897, s. 3 (11).

Member for only part of session

**17.** If any member be elected and take his seat in the Assembly after the commencement of the session or if during the session any member cease to be a member, he shall be entitled to the regular sessional allowance subject to a deduction of \$10 per day for each day of the session before taking his seat or after he ceased to be a member or both as the case may be. No. 11 of 1895, s. 17.

Travelling expenses

**18.** There shall be allowed to each member the amount of his actual travelling expenses in coming from and going to his place of residence within the Territories to and from the place where the session is held, which amount shall be determined and certified by the speaker. No. 11 of 1895, s. 18.

Declaration of amount due for indemnity and expenses

**19.** The sum due to every member at the close of a session shall be calculated and paid to him on his making and signing before the clerk of the Legislative Assembly or a justice of the peace a solemn declaration to be kept by the Territorial Treasurer showing :

- (a) The number of days on which he has attended the session ;
- (b) The number of days (if any) for which a deduction from the amount of his sessional allowance has to be made under any preceding section of this Ordinance ; and
- (c) The amount of his actual travelling expenses as determined and certified by the speaker. No. 11 of 1895, s. 19 ; No. 38 of 1897, s. 3 (12).

#### EXAMINATION OF A WITNESS.

Attendance of witnesses

**20.** The Legislative Assembly may at all times command and compel the attendance before the Assembly or before any committee thereof of such persons and the production of such papers and things as the Assembly or committee may deem necessary for any of its proceedings or deliberations. No. 11 of 1895, s. 20.

Speaker's warrant or subpoena

**21.** Whenever the Legislative Assembly requires the attendance of any person before the said Assembly or before a committee thereof, the speaker may issue his warrant or subpoena directed to the person named in the order of the Legislative Assembly requiring the attendance of such person before the



Legislative Assembly or a committee thereof and the production of such papers and things as may be ordered. No. 11 of 1895, s. 21.

#### OATHS TO WITNESSES.

**22.** Any standing or select committee of the Legislative Assembly may require the facts, matters and things relating to the subject of inquiry to be verified or otherwise ascertained by the oral examination of witnesses and may examine such witnesses upon oath and for that purpose the chairman or any other member of the committee may administer to any witness an oath or affirmation in form A or form B of schedule 2 appended to this Ordinance. No. 11 of 1895, s. 22.

Examination  
on oath

#### SCHEDULE 1.

The electoral district of Moosomin shall consist of that portion of the provisional district of Assiniboia bounded on the east by the western boundary of the Province of Manitoba; on the north by the line between townships nineteen and twenty in the Dominion lands system of survey; on the south by the line between townships eleven and twelve; and on the west by the second meridian in the said Dominion lands system of survey: and such electoral district shall return one member.

Moosomin

The electoral district of Saltcoats shall consist of those portions of the provisional districts of Assiniboia and Saskatchewan bounded on the east by the western boundary of the Province of Manitoba; on the north by the tenth correction line in the Dominion lands system of survey, being the line between townships thirty-eight and thirty-nine; on the west by the line between ranges three and four west of the second meridian; on the south as follows: Commencing at the intersection of the northern boundary of township nineteen with the western boundary of the Province of Manitoba, thence west following the said northern boundary of township nineteen to its intersection with the second meridian, thence north following the said second meridian to the northern boundary of township twenty, thence west following the said northern boundary of said township twenty to its intersection with the line between ranges three and four west of the second meridian: and such electoral district shall return one member.

Saltcoats

The electoral district of Yorkton shall consist of the territory bounded on the east by the line between ranges three and four west of the second meridian in the Dominion lands system of survey; on the north by the tenth correction line, being the line between townships thirty-eight and thirty-nine in the Dominion lands system of survey; on the south by a line which may be described as follows: Commencing at the point where the line between townships twenty and twenty-one, being the sixth base line of the Dominion lands system of survey, intersects the line between ranges three and four west of the second

Yorkton

meridian, thence westerly following the said sixth base line to its intersection with the line between ranges six and seven west of the second meridian, thence north along the said line between ranges six and seven to its intersection with the northern boundary of township twenty-one, thence west following the said northern boundary of township twenty-one to its intersection with the line between ranges seven and eight west of the second meridian, thence north following the said line between ranges seven and eight to the northern boundary of township twenty-two, thence west following the said northern boundary of township twenty-two to its intersection with the line between ranges ten and eleven west of the second meridian; and on the west by the line between said ranges ten and eleven: and such electoral district shall return one member.

Whitewood

The electoral district of Whitewood shall consist of that portion of the provisional district of Assiniboia bounded on the east by the second meridian of the Dominion lands system of survey; on the south by the line between townships eleven and twelve; on the west by the line between ranges four and five west of the second meridian; and on the north by the line between townships twenty and twenty-one: and such electoral district shall return one member.

Grenfell

The electoral district of Grenfell shall consist of that portion of the provisional district of Assiniboia bounded on the east by the line between ranges four and five west of the second meridian in the Dominion lands system of survey; on the south by the line between townships eleven and twelve; and on the west and north as follows: Commencing at the intersection of the line between ranges eight and nine west of the second meridian with the northern boundary of township eleven, thence north following the said line between ranges eight and nine to its intersection with the northern boundary of township twenty-two, thence east along the said northern boundary of township twenty-two to its intersection with the line between ranges seven and eight west of the second meridian, thence south along the said line between ranges seven and eight to its intersection with the northern boundary of township twenty, thence east along the said northern boundary of township twenty to its intersection with the line between ranges four and five west of the second meridian: and such electoral district shall return one member.

Souris

The electoral district of Souris shall consist of that portion of the provisional district of Assiniboia bounded on the south by the fourth-ninth parallel of latitude, being the international boundary line; on the east by the western boundary of the Province of Manitoba; on the west by the line between ranges ten and eleven; and on the north by the line between townships six and seven, all west of the second meridian in the Dominion lands system of survey: and such electoral district shall return one member.

Wolseley

The electoral district of Wolseley shall consist of that portion of the provisional district of Assiniboia bounded on the

east by the line between ranges eight and nine west of the second meridian in the Dominion lands system of survey; on the south by the line between townships eleven and twelve; and on the west and north as follows: Commencing at the intersection of the line between ranges eleven and twelve west of the second meridian with the northern boundary of township eleven, thence north along the said line between ranges eleven and twelve to its intersection with the northern boundary of township nineteen, thence east along the said northern boundary of township nineteen to its intersection with the line between ranges ten and eleven west of the second meridian, thence north along the said line between ranges ten and eleven to its intersection with the northern boundary of township twenty-two, thence east along the said northern boundary of township twenty-two to its intersection with the line between ranges eight and nine west of the second meridian: and such electoral district shall return one member.

The electoral district of South Qu'Appelle shall consist of <sup>South Qu'Appelle</sup> that portion of the provisional district of Assiniboia bounded on the south by the international boundary line; on the east by a line which may be described as follows: Commencing at the point where the line between ranges ten and eleven intersects the international boundary line, thence northerly along said line between ranges ten and eleven to its intersection with the line between townships eleven and twelve, thence westerly along said line between townships eleven and twelve to its intersection with the line between ranges eleven and twelve, thence northerly along said line between ranges eleven and twelve to its intersection with the line between townships nineteen and twenty; on the north by the line between townships nineteen and twenty; and on the west by the line between ranges sixteen and seventeen, all west of the second meridian in the Dominion lands system of survey: and such electoral district shall return one member.

The electoral district of North Qu'Appelle shall consist of all <sup>North Qu'Appelle</sup> that portion of the provisional district of Assiniboia bounded on the south by the line between townships nineteen and twenty; on the east by the line between ranges ten and eleven; on the north by the ninth correction line, being the northern boundary of the provisional district of Assiniboia; and on the west by the line between ranges sixteen and seventeen, all west of the second meridian in the Dominion lands system of survey: and such electoral district shall return one member.

The electoral district of North Regina shall consist of that <sup>North Regina</sup> portion of the provisional district of Assiniboia bounded on the east by the line between ranges sixteen and seventeen; on the south by a line drawn through the centre of the track of the main line of the Canadian Pacific railway; on the north by the ninth correction line, being the northern boundary of the provisional district of Assiniboia, and on the west by the line between ranges twenty-three and twenty-four, all west of the second meridian in the Dominion lands system of survey: and such electoral district shall return one member.

South  
Regina

The electoral district of South Regina shall consist of that portion of the provisional district of Assiniboia bounded on the south by the forty-ninth parallel of latitude or the international boundary line; on the east by the line between ranges sixteen and seventeen; on the north by a line drawn through the centre of the track of the main line of the Canadian Pacific railway; and on the west by the line between ranges twenty-three and twenty-four, all west of the second meridian in the Dominion lands system of survey: and such electoral district shall return one member.

Moose Jaw

The electoral district of Moose Jaw shall consist of that portion of the provisional district of Assiniboia bounded on the east by the line between ranges twenty-three and twenty-four west of the second meridian; on the west by the line between ranges seven and eight west of the third meridian; on the south by the international boundary line or forty-ninth parallel of latitude; and on the north by the ninth correction line, all in the Dominion lands system of survey: and such electoral district shall return one member.

Cannington

The electoral district of Cannington shall consist of that portion of the provisional district of Assiniboia bounded on the south by the line between townships six and seven; on the north by the line between townships eleven and twelve; on the east by the line between ranges twenty-nine and thirty west of the first meridian; and on the west by the line between ranges ten and eleven west of the second meridian, all in the Dominion lands system of survey: and such electoral district shall return one member.

Medicine Hat

The electoral district of Medicine Hat shall consist of that portion of the provisional district of Assiniboia lying to the west of the line between ranges seven and eight west of the third meridian in the Dominion lands system of survey: and such electoral district shall return one member.

Lethbridge

The electoral district of Lethbridge shall consist of that portion of the provisional district of Alberta bounded on the east by the western boundary of the provisional district of Assiniboia; on the south by the forty-ninth parallel of latitude or international boundary line; and on the north and west as follows: Commencing at the point where the fifth base line in the Dominion lands system of survey intersects the western boundary of the provisional district of Assiniboia, thence westerly following the said base line to its intersection with the line between ranges twenty-one and twenty-two west of the fourth meridian, thence southerly along the said line between ranges twenty-one and twenty-two to its intersection with the west bank of the Belly river, thence following the west bank of the said river to the point of junction of the St. Mary's river with the said Belly river, thence southerly and westerly following the west bank of the St. Mary's river to its intersection with the south boundary of the Blood Indian reserve, thence westerly following the south boundary of the said reserve to its intersection with the line between ranges twenty-seven and twenty-eight west of the fourth meridian,

thence southerly along the line between the said ranges twenty-seven and twenty-eight to its intersection with the first correction line in the Dominion lands system of survey, thence westerly following along the south side of the said correction line to its intersection with the eastern boundary of the Province of British Columbia: and such electoral district shall return one member.

The electoral district of Macleod shall consist of that portion <sup>Macleod</sup> of the provisional district of Alberta bounded on the north by the fifth base line in the Dominion lands system of survey; on the east and south by the western and northern boundaries of the electoral district of Lethbridge above described, and on the west by the eastern boundary of the Province of British Columbia: and such electoral district shall return one member.

The electoral district of East Calgary shall consist of all that <sup>East Calgary</sup> portion of the provisional district of Alberta bounded on the east by the eastern boundary of said provisional district of Alberta; on the north by the line between townships twenty-four and twenty-five in the Dominion lands system of survey; and on the west and south as follows: Commencing at the point where the line between townships twenty-four and twenty five is intersected by the eastern boundary of sections twenty-one, twenty-eight and thirty-three in township twenty-four range one west of the fifth meridian, thence southerly along said eastern boundary to its intersection with the south bank of the Bow river, thence easterly along the south bank of the said river to its intersection with the western limit of Centre street in the city of Calgary according to the registered plan of said city on file in the land titles office in and for the South Alberta land registration district, thence southerly along said western limit of Centre street and its production southward to a point in section ten in said township on the west bank of the Elbow river, thence southerly and westerly along the west bank of said river to its intersection with the northern boundary of the southerly tier of sections in said township, thence easterly along the northern boundary of said southerly tier of sections to its intersection with the west bank of the Bow river, thence southerly and easterly along the west bank of said river to its intersection with the fifth base line, thence easterly along the said fifth base line to the eastern boundary of the provisional district of Alberta: and such electoral district shall return one member.

The electoral district of West Calgary shall consist of all <sup>West Calgary</sup> that portion of the provisional district of Alberta bounded on the east by the eastern boundary of the said provisional district of Alberta: on the north by the north boundary of township thirty-three in the Dominion lands system of survey; on the west by the line between ranges three and four west of the fifth meridian; and on the south as follows: Commencing at the point where the line between the said ranges three and four intersects the sixth correction line, thence easterly along the said line to its intersection with the west bank of the Bow river, thence northerly and westerly following the west bank

of the said river to its intersection with the northern boundary of the southerly tier of sections in township twenty-four range one west of the fifth meridian, thence westerly along the northern boundary of said southerly tier of sections to its intersection with the west bank of the Elbow river, thence northerly and easterly following the west bank of the said river to a point thereon in section ten and being the intersection of said west bank of Elbow river with the production southerly of the western limit of Centre street according to the registered plan of the city of Calgary on file in the land titles office in and for the South Alberta land registration district, thence northerly to and along the said western limit of Centre street to its intersection with the south bank of the Bow river, thence westerly following the south bank of the said river to its intersection with the line between sections twenty-one and twenty-two in said township twenty-four, thence northerly along the eastern boundary of sections twenty-one, twenty-eight and thirty-three to the line between townships twenty-four and twenty-five, thence easterly along the said line to the eastern boundary of the provisional district of Alberta: and such electoral district shall return one member.

**High River**      The electoral district of High River shall consist of all that portion of the provisional district of Alberta bounded on the south by the fifth base line in the Dominion lands system of survey; on the west by the western boundary of the provisional district of Alberta; on the north by the sixth correction line; and on the east by the west bank of the Bow river: and such electoral district shall return one member.

**Banff**      The electoral district of Banff shall consist of that portion of the provisional district of Alberta bounded on the west by the western boundary of the provisional district of Alberta; on the north by the ninth correction line in the Dominion lands system of survey; on the east by the line between ranges three and four west of the fifth meridian; and on the south by the sixth correction line: and such electoral district shall return one member.

**Red Deer**      The electoral district of Red Deer shall consist of that portion of the provisional district of Alberta bounded on the south by the south boundary of township thirty-four across ranges eleven to twenty-nine inclusive west of the fourth meridian and ranges one to three inclusive west of the fifth meridian and by the south boundary of township thirty-five from range three west of the fifth meridian to the western boundary of the said provisional district of Alberta; on the east by the line between ranges ten and eleven west of the fourth meridian; on the north by the line between townships forty-one and forty-two; and on the west by the western boundary of the said provisional district of Alberta: and such electoral district shall return one member.

**Wetaskiwin**      The electoral district of Wetaskiwin shall consist of those portions of the provisional districts of Alberta and Saskatchewan bounded on the south by the line between townships

forty-one and forty-two in the Dominion lands system of survey; on the east by the line between ranges seven and eight west of the fourth meridian; on the north by the line between townships forty-nine and fifty; and on the west by the western boundary of the said provisional district of Alberta: and such electoral district shall return one member.

The electoral district of Edmonton shall consist of those <sup>Edmonton</sup> portions of the provisional districts of Alberta and Saskatchewan bounded on the south by the line between townships forty-nine and fifty in the Dominion lands system of survey; on the east by the line between ranges seven and eight west of the fourth meridian; on the north by the central east and west section line of township fifty-three; and on the west by the western boundary of the said provisional district of Alberta: and such electoral district shall return one member.

The electoral district of Victoria shall consist of those <sup>Victoria</sup> portions of the provisional districts of Alberta and Saskatchewan bounded on the east by the line between ranges seven and eight west of the fourth meridian in the Dominion lands system of survey; on the south by the central east and west section line in township fifty-three; on the north by the northern boundary of the said provisional districts of Alberta and Saskatchewan; and on the west as follows: Commencing at a point where the said central east and west section line in township fifty-three intersects the eastern bank of the North Saskatchewan river, thence northerly and easterly along the said bank of the Saskatchewan river to its intersection with the line between ranges twenty and twenty-one west of the fourth meridian, thence north along the said line to its intersection with the said northern boundary of the provisional district of Alberta: and such electoral district shall return one member.

The electoral district of St. Albert shall consist of that <sup>St. Albert</sup> portion of the provisional district of Alberta bounded on the west by the western boundary of the said provisional district of Alberta; on the north by the northern boundary of the said provisional district of Alberta; on the south by the central east and west section boundary in township fifty-three; and on the east as follows: Commencing at the point where the east and west central section boundary in township fifty-three intersects the west bank of the North Saskatchewan river, thence northerly and easterly following the west bank of the said river to its intersection with the line between ranges twenty and twenty-one west of the fourth meridian, thence north along the said line between ranges twenty and twenty-one to the northern boundary of the said provisional district of Alberta: and such electoral district shall return one member.

The electoral district of Battleford shall consist of that <sup>Battleford</sup> portion of the provisional district of Saskatchewan bounded on the north and south by the north and south boundaries of the said provisional district of Saskatchewan; on the east as follows: Commencing at the intersection of the line between ranges eleven and twelve west of the third meridian in the

Dominion lands system of survey with the said southern boundary of the provisional district of Saskatchewan, thence northerly following the said line between ranges eleven and twelve to its intersection with the northern boundary of township fifty-one, thence west following the said northern boundary of township fifty-one to its intersection with the line between ranges twelve and thirteen west of the third meridian, thence north following the said line between ranges twelve and thirteen to its intersection with the said northern boundary of the said provisional district: and on the west as follows: Commencing at the point where the line between ranges ten and eleven west of the fourth meridian intersects the southern boundary of said provisional district, thence north following the said line between ranges ten and eleven to its intersection with the northern boundary of township forty-one, thence east following the said northern boundary of township forty-one to its intersection with the line between ranges seven and eight west of the fourth meridian, thence north following the said line between ranges seven and eight to its intersection with the northern boundary of the said provisional district: and such electoral district shall return one member.

Mitchell

The electoral district of Mitchell shall consist of that portion of the provisional district of Saskatchewan bounded on the south by the ninth correction line in the Dominion lands system of survey: on the west by the line between ranges eleven and twelve west of the third meridian; on the north and east as follows: Commencing at the point where the northern boundary of township fifty-one intersects the line between ranges eleven and twelve west of the third meridian, thence east following the said northern boundary of township fifty-one to its intersection with the line between ranges four and five west of the third meridian, thence south following the said line between ranges four and five to its intersection with the north boundary of township forty-seven, thence east following the said northern boundary of the said township forty-seven to its intersection with the line between ranges one and two west of the third meridian, thence south along the said line between ranges one and two to the north boundary of township forty-four, thence east along the said north boundary of township forty-four to its intersection with the west bank of the South Saskatchewan river, thence southerly and westerly along the west bank of the South Saskatchewan river to its intersection with the north boundary of township forty, thence east along the said north boundary of township forty to the line between ranges one and two west of the third meridian, and thence south along the said line to the ninth correction line: and such electoral district shall return one member.

Batoche

The electoral district of Batoche shall consist of that portion of the provisional district of Saskatchewan bounded on the south by the ninth correction line in the Dominion lands system of survey: on the east by the line between ranges twenty-three and twenty-four west of the second meridian; on the west and north as follows: Commencing at the point where the line between ranges one and two west of the third



meridian intersects the ninth correction line, thence north along the said line between ranges one and two to the northern boundary of township forty, thence west along the said north boundary of township forty to its intersection with the east bank of the South Saskatchewan river, thence northerly and easterly along the said eastern bank of the South Saskatchewan river to its intersection with the production northerly across the Chacastapasin Indian reserve of the line between ranges twenty-five and twenty-six west of the second meridian, thence south along the said line between ranges twenty-five and twenty-six and its production across the said Indian reserve to the northern boundary of township forty-four, thence east along the said northern boundary of township forty-four across ranges twenty-four and twenty-five west of the second meridian: and such electoral district shall return one member.

The electoral district of Prince Albert West shall consist of that portion of the provisional district of Saskatchewan bounded on the north by the northern boundary of the said provisional district of Saskatchewan; and on the east, south and west as follows: Commencing at a point where the line between ranges twenty-six and twenty-seven west of the second meridian in the Dominion lands system of survey intersects the north boundary of the said provisional district of Saskatchewan, thence south following the said line between ranges twenty-six and twenty-seven to its intersection with the south bank of the North Saskatchewan river, thence easterly along the south bank of the said river to its intersection with the west line of the Presbyterian Mission lot in the Prince Albert settlement survey (which said lot is numbered seventy-eight in the survey of Prince Albert settlement by Montague Aldous, D.L.S., and the plan of the said survey is of record in the department of the interior at Ottawa), thence south following the westerly limit of the said lot to its intersection with the south limit of the Prince Albert settlement survey, thence westerly and southerly following the south limit of the Prince Albert settlement to its intersection with the line between sections nine and ten in township forty-eight range twenty-six west of the second meridian, thence south following the line between sections nine and ten and three and four to the southern boundary of the said township forty-eight, thence east along the said southern boundary of township forty-eight to its intersection with the line between ranges twenty-five and twenty-six west of the second meridian, thence south along the line between ranges twenty-five and twenty-six to the northern bank of the South Saskatchewan river, thence southerly and westerly along the said bank of the Saskatchewan river to its intersection with the northern boundary of township forty-four, thence west along the said northern boundary of township forty-four to the line between ranges one and two west of the third meridian, thence north along the said line between ranges one and two west of the third meridian to the northern boundary of township forty-seven, thence west along the said northern boundary of town-

ship forty-seven to the line between ranges four and five west of the third meridian, thence north along the said line between ranges four and five to its intersection with the northern boundary of township fifty-one, thence west along the said northern boundary of township fifty-one to its intersection with the line between ranges twelve and thirteen west of the third meridian, thence north along the said line between ranges twelve and thirteen to its intersection with the northern boundary of the provisional district of Saskatchewan: and such electoral district shall return one member.

**Kinistino**

The electoral district of Kinistino shall consist of that portion of the provisional district of Saskatchewan bounded on the east by the eastern limits of the said provisional district; on the south by a line which may be described as follows: Commencing at the point where the tenth correction line, being the line between townships thirty-eight and thirty-nine in the Dominion lands system of survey intersects the eastern limits of said provisional district, thence westerly following said tenth correction line to its intersection with the line between ranges ten and eleven west of the second meridian, thence southerly on the line between said ranges ten and eleven to its intersection with the ninth correction line, being the line between townships thirty-four and thirty-five, thence westerly on the said ninth correction line to its intersection with the line between ranges twenty-three and twenty-four west of the second meridian; on the west by the line between ranges twenty-three and twenty-four in the Dominion lands system of survey; and on the north by the line between townships forty-seven and forty-eight in the same system of survey: and such electoral district shall return one member.

**Prince Albert  
East**

The electoral district of Prince Albert East shall consist of that portion of the provisional district of Saskatchewan bounded on the west by the eastern limit of the electoral district of Prince Albert West before described; on the north and east by the northern and eastern boundaries of the said district of Saskatchewan; and on the south by a line which may be described as follows: Commencing at a point where the line between townships forty-seven and forty-eight in the Dominion lands system of survey intersects the eastern boundary of the district of Saskatchewan, thence due west along the said line to its intersection with the line between ranges twenty-three and twenty-four west of the second meridian, thence due south along the said line to its intersection with the twelfth base line in the Dominion lands system of survey, thence due west following the said base line to its intersection with the eastern limit of the electoral district of Prince Albert West, being the line between ranges twenty-five and twenty-six west of the second meridian: and such electoral district shall return one member.

## SCHEDULE 2.

## FORM A.

The evidence you shall give on this examination shall be the truth, the whole truth and nothing but the truth. So help you God.

## FORM B.

You do solemnly, sincerely and truly affirm and declare that the evidence you shall give on this examination shall be the truth, the whole truth and nothing but the truth. No. 11 of 1895.

## CHAPTER 3.

### An Ordinance respecting Elections.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Territories Elections Ordinance.*" No. 11 of 1897, s. 1.

#### ISSUE OF WRIT.

Writ, date of issue and return      **2.** Every writ for the election of a member of the Legislative Assembly shall be dated and shall be returnable on such day as the Lieutenant Governor determines; and shall be addressed by the clerk of the Executive Council to such resident elector of the electoral district in which the election is to be held as the Lieutenant Governor appoints; and such person shall be the returning officer at the election to which such writ relates:

Returning officer

Refusal or inability to act

Provided always that if the person to whom the writ has been addressed refuses or is unable or unqualified to act, he shall (under penalty hereinafter provided) forthwith after the receipt of such writ notify the Lieutenant Governor by the most speedy means available of such inability or refusal or want of qualification, when the Lieutenant Governor may order another writ to issue or may appoint some other resident elector as returning officer who shall act under the writ already issued :

Proviso

Provided also that no election shall be declared void if the person to whom the writ is addressed acts thereunder as returning officer on the ground that such person is not a resident elector of the district or is otherwise disqualified to act as returning officer. No. 11 of 1897, s. 2.

Day and place of nomination to be named in writ

**3.** The Lieutenant Governor shall fix the day and locality for the nomination of candidates at such election; and the day and locality so fixed shall be specified in the writ of election for that electoral district :

At general election day to be same in all districts

Provided always that in the case of a general election the day so fixed shall be the same in the case of every electoral district except that it may be varied when rendered necessary under any other provisions of this Ordinance :

Fourteen days to elapse between date of writ and nomination

Provided further that there shall be an interval of at least fourteen days between the date of the writ and the day of nomination mentioned therein. No. 11 of 1897, s. 3.

Form of writ

How to be

**4.** The writs of election shall be in form A in schedule 2 to this Ordinance and shall be transmitted by registered

letter by the clerk of the Executive Council addressed to the transmitted  
respective returning officers, unless otherwise ordered by the  
Lieutenant Governor. No. 11 of 1897, s. 4.

#### RETURNING OFFICER.

**5.** The returning officer shall on receiving the writ of elec- Indorsement  
tion forthwith indorse thereon the date on which he received of receipt  
the same; and before taking any further action thereon he of writ  
shall take the oath of office in form B in schedule 2 to Oath of office  
this Ordinance; and shall forthwith cause a certificate as in  
the said form B of the same having been taken to be forwarded  
to the clerk of the Executive Council. No. 11 of 1897, s. 5.

**6.** The returning officer by a warrant under his hand and To appoint an  
in form C in schedule 2 to this Ordinance shall appoint election clerk  
an election clerk and may at any time during the election  
appoint in the same manner another election clerk if the one  
so appointed resigns or is unable to perform his duties as such  
clerk. No. 11 of 1897, s. 6.

**7.** The election clerk shall assist the returning officer in the Duties of  
performance of his duties and act in his stead as returning election clerk  
officer whenever the returning officer after appointing such  
election clerk refuses or is unable to perform his duties or  
admits his want of qualification and has not been replaced by  
another.

(2) All the provisions of this Ordinance in regard to return- Responsibility  
ing officers shall apply to election clerks acting as returning of election  
officers. clerks acting  
as returning  
officers

(3) The returning officer or election clerk shall not act as  
deputy returning officer or poll clerk in any polling division.  
No. 11 of 1897, s. 7; No. 4 of 1898, s. 1.

**8.** The election clerk before acting as such shall take the Oath of  
oath of office in form D in schedule 2 to this Ordinance election clerk  
before the returning officer or any person authorised to ad-  
minister an oath within the Territories; and a certificate as  
in the said form D of his having taken such oath shall be  
delivered to him by the person before whom such oath is  
taken which he shall cause to be forwarded to the clerk of the  
Executive Council. No. 11 of 1897, s. 8.

**9.** The election clerk when acting for or in the stead of the Penalties  
returning officer shall be subject to like penalties as the return-  
ing officer for violating any of the provisions of this Ordinance;  
but this shall not relieve the returning officer from any penal-  
ties provided to which he may render himself liable. No. 11 of  
1897, s. 9.

#### POLLING DIVISIONS.

**10.** The returning officer shall with all reasonable speed  
after receiving the writ of election—

Building for  
hustings

1. Fix upon and secure a suitable building in the locality in which the nomination is to be held for use as a hustings;

Polling  
divisions

2. Subdivide the electoral district into as many polling divisions as he deems necessary for the convenience of electors and number them consecutively and give to each a distinctive name:

Proviso

Provided always that no such polling division shall have a greater voting population than 200:

Proviso

Provided further however that if a polling division should include a greater number of voters than 200 the fact shall not be held to invalidate the poll held in that polling division; nor shall it render the returning officer liable to a penalty unless it can be shown that one or more duly qualified voters have been deprived of the opportunity to vote by reason of such larger number of voters having been included within the polling division;

Buildings for  
polling places

3. Provide suitable and conveniently situated buildings for use as polling places in each polling division. No. 11 of 1897, s. 10; No. 4 of 1898, s. 2.

School houses  
may be used  
for polling  
places

**11.** The returning officer is hereby vested with authority to take and use as a polling place any school house the property of any public or separate school district organised by virtue of any Ordinance of the Territories, if such school house is convenient for that purpose.

Rent of school  
house

(2) The school district shall be paid for the use of the school house such sum as the Lieutenant Governor in Council may allow. No. 11 of 1897, s. 11; No. 4 of 1898, s. 3.

Posting  
proclamation

**12.** At least eight days before the day fixed in the writ for the nomination of candidates, the returning officer shall provide and cause to be posted up in one public place in each polling division (which shall be a post office if there is one therein or if there is not then in a store, school house or church therein and if there is no post office, store, school house or church therein then in some conspicuous place in the polling division) a proclamation in form E in schedule 2 to this Ordinance, in which proclamation shall be set forth—

- (a) The place and day specified in the writ of election at which the nomination is to be held;
- (b) The building or place to be actually used;
- (c) The time allowed for the nomination by this Ordinance;
- (d) The date when the polls will be opened in the several polling divisions if a poll is required and the time during which such polls shall remain open;
- (e) The numbers, names and fully described boundaries of the polling divisions decided upon and the places at which the several polls shall be held. No. 11 of 1897, s. 12.

**13.** If a demand is made upon the returning officer in writing at any time before the hour for closing nominations for any additional polling subdivision (the polling place of which shall be named in the request and which shall not be within twenty miles of any polling place already appointed), the returning officer shall set apart as nearly as may be such proposed polling subdivision and appoint the polling place thereof. No. 11 of 1897, s. 13. Additional polling places

#### POSTPONEMENT OF NOMINATION.

**14.** Whenever from unforeseen accident, delay or otherwise the proclamation cannot be posted up so as to leave the required time between the posting up of the proclamation and the nomination day appointed by the Lieutenant Governor or whenever any candidate dies after being nominated and before the close of the polls, the returning officer shall fix another day for the nomination of candidates, which day shall be the nearest day conveniently possible after allowing the number of days required by section 12 hereof between the posting up of the proclamation and nomination day; and in every such case the returning officer shall proceed as directed in the said section 12 and shall with his return make to the clerk of the Executive Council a special and full report under oath of the causes which occasioned the postponement of the election. No. 11 of 1897, s. 14. Nomination may be postponed by returning officer

#### NOMINATION.

**15.** At any time after the date of the writ of election and before twelve o'clock noon (standard time) of the day fixed for the nomination, any four or more electors may nominate a candidate by signing before any person authorised to administer oaths within the Territories or before the returning officer and causing to be filed with the returning officer a nomination paper in form F in schedule 2 to this Ordinance; and any vote given at the election for any person other than a candidate so nominated shall be null and void. No. 11 of 1897, s. 15. Time and manner of nomination

**16.** A nomination paper shall not be valid or be acted upon by the returning officer unless— Nomination papers

- (a) It is accompanied by the consent in writing of the person therein nominated (except when such person is absent from the electoral district when such absence shall be stated in the nomination paper); and Consent of candidate
- (b) A sum of \$100 is deposited in the hands of the returning officer at the time the nomination paper is filed with him. Deposit of \$100

(2) The returning officer shall (the foregoing requirements of this section being complied with) give his receipt for the nomination paper; and the said receipt of the returning officer shall in every case be sufficient evidence of the production of the nomination paper, of the consent of the candidate and of the payment herein mentioned. Receipt for nomination paper

How deposit  
may be made

(3) The returning officer shall accept the sum of money hereinbefore mentioned if it is tendered—

- (a) In gold coin ;
- (b) In Dominion of Canada notes ;
- (c) In the notes of any bank chartered by the Parliament of Canada which at the time is redeeming its notes on demand ; or
- (d) Partly in one and partly in another or others of the description of moneys herein mentioned ;

but he will not be obliged to accept such tender if any part of it consists of other descriptions of money than that herein specified.

Condition  
upon which  
deposit may  
be returned

(4) The sum so deposited by any candidate shall be returned to him in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected as decided in the final count.

Forfeiture of  
deposit

(5) If such candidate has not obtained the number of votes in the next preceding subsection mentioned, the said deposit shall be transmitted by the returning officer to the clerk of the Executive Council and by him deposited to the credit of the general revenue fund of the Territories. No. 11 of 1897, s. 16.

#### NOMINATION PROCEEDINGS.

Procedure at  
hustings

**17.** Every returning officer shall on the date of nomination and at the place fixed as aforesaid proceed to the hustings (which shall be at such a place that all the electors may have free access thereto) and at the hour of eleven of the clock (standard time) in the forenoon shall read or cause to be read publicly the writ of election ; and shall forthwith read in an audible voice the nominations which he has received and from time to time until twelve o'clock of the day (standard time) shall so read further nominations as he receives them. No. 11 of 1897, s. 17.

Closing  
nominations

**18.** At the hour of twelve o'clock (standard time) the returning officer shall declare the nominations closed and shall announce in an audible voice the names of the several candidates. No. 11 of 1897, s. 18.

Procedure  
when only one  
candidate  
nominated

**19.** If at the close of the hour for receiving nominations only one candidate for the vacancy to be filled remains in nomination, the returning officer shall then and there—

1. Declare the said candidate duly elected ;
2. Give such candidate or any agent of such candidate if the candidate is not present a certificate that such candidate has been duly elected ;
3. Forward to the clerk of the Executive Council the writ of election together with a certificate in writing declaring such candidate duly elected and all ballot boxes, poll books and



other books, forms, seals, materials and things sent to him to be used in the election and which have not been used. No. 11 of 1897, s. 19.

**20.** If at the close of the hour for receiving nominations more than one candidate for the vacancy to be filled remains in nomination, the returning officer shall announce the day upon which a poll will be held and the day, hour and place at which the ballots will be counted which must not be more than eight days after the polling; and shall deliver to every candidate or to any person authorised in writing by the candidate or any of his nominators to act in his behalf a list of the candidates nominated with the colour assigned to each as specified in section 4 of schedule 1 to this Ordinance. No. 11 of 1897, s. 20.

Procedure when more than one candidate nominated

**21.** Any candidate nominated may withdraw at any time after his nomination and before the closing of the poll by filing with the returning officer a declaration in writing to that effect signed by himself; and any votes cast for a candidate who shall have so withdrawn shall be null and void; and in case after such withdrawal there should remain only one candidate for the vacancy to be filled then it shall be the duty of the returning officer to forthwith return as duly elected the candidate so remaining and to proceed as directed in section 19 hereof:

Candidate may withdraw his nomination

Provided always that if a candidate withdraw at any time after his nomination he shall forfeit the money deposited by him and the returning officer shall transmit the same to the clerk of the Executive Council as provided in section 16 hereof. No. 11 of 1897, s. 21.

but will forfeit his deposit

#### PROVIDING FOR THE POLLING.

**22.** Whenever a poll has been granted it shall be held on the seventh day after the day of nomination and shall be opened at nine of the clock in the forenoon (standard time) and kept open until five of the clock in the afternoon (standard time) of the same day; and the votes at the several polling stations shall be given between the said hours of that day:

Date and hours of polling

Provided always that in that portion of the electoral district of Prince Albert East lying east of range 20 west of the second meridian the poll shall be held on the fourteenth day after the day of nomination between the said hours. No. 11 of 1897, s. 22.

Proviso, in case of Electoral District of Prince Albert East

**23.** Immediately after having granted a poll the returning officer shall cause to be posted up with all reasonable speed at all places where the proclamation of the election was posted up and at least two days before the day of voting an election notice setting forth the following information:

Election notices

1. The names of the several candidates with the name of the colour assigned to each, which colours shall be assigned to

the candidates in order of nomination, the order being that specified in section 4 of schedule 1 hereto ;

2. The number, name, boundaries and polling place of each polling division as finally amended ;

3. The name of the deputy returning officer for each polling division ;

4. The day and hours of the day on which votes will be received ;

5. The day, hour and place at which the votes will be counted and the return declared. No. 11 of 1897, s. 23.

Information  
to electors

**24.** The returning officer shall also cause to be posted up near to the aforesaid election notice copies of form G in schedule 2 to this Ordinance containing information to electors. No. 11 of 1897, s. 24.

#### DEPUTY RETURNING OFFICERS.

Appointment  
of deputy  
returning  
officers

**25.** For the purpose of taking the votes at an election, the returning officer shall by writing over his signature appoint a deputy returning officer for each polling division (who shall be an elector of the district) and shall thereby require the deputy returning officer to open and hold the poll in such division at the time and place fixed in the election notice and according to the provisions of this Ordinance.

Oath of deputy  
returning  
officers

(2) Every deputy returning officer shall before acting as such take and subscribe before the returning officer or any person authorised to administer oaths within the Territories the oath in form H in schedule 2 to this Ordinance, a certificate of the taking of which oath shall be delivered to him by the person before whom such oath is taken, which he shall cause to be filed with the returning officer. No. 11 of 1897, s. 25.

Election  
materials to  
be supplied to  
deputy  
returning  
officers

**26.** The returning officer shall cause to be supplied to each deputy returning officer at least one day before polling day the books, ballots, ballot boxes, coloured pencils, stamps and other material necessary under this Ordinance to the taking of a poll and shall take the receipt of the deputy returning officer therefor.

Transmission  
of material

(2) The articles above mentioned may be sent by special messenger who shall act for the returning officer and for whose actions the returning officer shall be responsible as though the said actions were performed by himself.

Supplies to be  
as prescribed  
in schedule

(3) The articles mentioned in this section and all other articles necessary to the taking of a vote at an election under this Ordinance shall be of the description given in schedule 1 to this Ordinance unless otherwise herein provided ; or if provision has not been so made they shall be of such form as the Lieutenant Governor in Council may direct.

Forms to be

(4) A sufficient number of the forms and articles prescribed

by this Ordinance as may be necessary shall be furnished by <sup>provided</sup> the clerk of the Executive Council to each returning officer for distribution to the several officers whose duties as defined by this Ordinance require their use.

(5) In case any of the copies of proclamation, notices, <sup>Provision if supplies not received at opening of poll</sup> statements or other forms or articles (such as poll books, ballot boxes, ballots, envelopes, pencils or other materials required under the provisions of this Ordinance) are not available or are likely not to be available for use at the time and place required by this Ordinance, it shall be the duty of the returning officer, election clerk, deputy returning officer or poll clerk (as the case may be) to provide such copies of the necessary proclamations, notices, statements or other forms or articles (such as poll books, ballot boxes, ballots, envelopes, pencils or other materials) as may be required at the time and place in which he is required to act under the provisions of this Ordinance as nearly as may be according to the directions given in this Ordinance and in schedule 1 hereto. No. 11 of 1897, s. 26; No. 4 of 1898, s. 4; No. 40 of 1898, s. 13.

**27.** The deputy returning officer shall before the hour for opening the poll on the election day appoint over his signature a poll clerk to assist him in taking the votes or to act in his stead if necessary with all the powers and liabilities of the deputy returning officer, who before acting as such shall take the oath in form I in schedule 2 to this Ordinance before the deputy returning officer, the returning officer or any person authorised to administer oaths within the Territories: and a certificate of his having taken the said oath shall be delivered to him by the person before whom such oath is taken which he shall cause to be filed with the returning officer. <sup>Poll clerk, duties and oath.</sup>

(2) Each deputy returning officer and poll clerk appointed under this Ordinance shall be a constable during the day of polling. No. 11 of 1897, s. 27. <sup>Deputy returning officers and poll clerks to be constables</sup>

**28.** The deputy returning officer shall prepare a polling place suitable for the purposes of this Ordinance within the building mentioned in the proclamation of the returning officer if that is practicable and if not then as nearly thereto as may be; and shall truly inform any elector inquiring of him the locality of such polling place: and at least one hour before the opening of the poll shall cause to be posted conspicuously (both outside and inside the building to be used as a polling place) copies of the proclamation and information to the electors provided in form G in schedule 2 to this Ordinance and also the names of himself and his poll clerk. No. 11 of 1897, s. 28; No. 4 of 1898, s. 5. <sup>Place for polling</sup> <sup>Proclamation and information to electors to be posted</sup>

**29.** The deputy returning officer or his poll clerk shall (within five minutes before the time appointed for opening the poll) publicly and audibly announce the time of day and shall show the ballot box to the candidates, their agents or scrutineers or (in their absence) to any electors present who may claim to act for any of the candidates, so that they may see <sup>Procedure at opening of poll</sup>

Ballot box to be inspected and sealed

that it is empty; and he shall then in their presence lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal; and shall allow the persons permitted hereunder to remain in the outer room of the polling place to affix their seals; and he shall then place the box in view of all those present and shall keep it locked and sealed.

Opening packet with stamp

(2) After locking and sealing the ballot box he shall then (in presence of the candidates, their agents or scrutineers or in their absence in presence of any electors present who may claim to act for any of the candidates) after the same has been examined by them break the seal on the packet containing the stamp to be used by the deputy returning officer in marking the outside of the ballot papers; and he shall then and there enter in the poll book any objections made to the hour of opening or to the place of polling or to the arrangements of the polling place demanded to be entered either by a candidate or his agent or by any elector. No. 11 of 1897, s. 29.

Objections

#### POLLING PLACE.

Outer and inner rooms

**30.** The polling place shall have an outer room suitable for the accommodation of the persons and things required for taking the vote under this Ordinance and (opening therefrom) an inner room in which the voter may mark his ballot screened from all observation:

Division of room by screen

Provided that where it is difficult or impossible to secure two rooms as required a single room divided by a screen or curtain so that the interior of the two parts shall be completely hidden from each other shall be sufficient. No. 11 of 1897, s. 30.

Poll book and ballot box to be kept in outer room

**31.** In the outer room shall be kept the poll book and ballot box.

Inspection of poll book

(2) The poll book shall be open to inspection on demand of any candidate, agent or scrutineer for a reasonable time for the purpose of checking an entry.

Position of ballot box

(3) The ballot box shall be kept in a conspicuous position during the voting so that the scrutineers may see the ballots as they are dropped in; and it shall not during such voting be touched by any person except the deputy returning officer or poll clerk acting for him and only touched by him in such manner that the candidates, their scrutineers or agents can observe it if present. No. 11 of 1897, s. 31.

Persons who may have access to inner room

**32.** Except as hereinafter provided no person shall have access to the inner room but the voter who is engaged in marking his ballot. No. 11 of 1897, s. 32.

Contents of inner room

**33.** In the said inner room of the polling place there shall be a table suitable for use in marking ballots; and there shall be posted on the walls a copy of the information to electors provided in form G in schedule 2 to this Ordinance and a copy of the election notice provided in section 23 of this Ordinance. No. 11 of 1897, s. 33.

**34.** A pencil of the colour assigned to each candidate according to the election notice provided for in section 23 of this Ordinance shall be furnished; and the full name of the candidate shall be marked plainly on the pencil of the colour which has been assigned to him according to the said election notice; and each of such pencils shall be handed by the deputy returning officer to the voter for the purpose of enabling him to mark his ballot paper as provided in section 48 of this Ordinance; and the voter shall with his ballot paper and before the said ballot paper is placed in the ballot box return to the deputy returning officer each of said pencils. No. 11 of 1897, s. 34.

Pencils, their colour and number, and the manner in which they are to be dealt with during the polling

**35.** On demand any candidate, agent or scrutineer shall be allowed to inspect the inner room of the polling place in the presence of the deputy returning officer or poll clerk; but such inspection may only be made when the said inner room is not occupied by a voter. No. 11 of 1897, s. 35.

Inspection of inner room

**36.** The deputy returning officer shall forthwith enter in the poll book—

Note of inspection to be made in poll book

- (a) The time of inspection;
  - (b) The name of the person demanding it; and
  - (c) Any remarks regarding it that the person inspecting may require the deputy returning officer to record.
- No. 11 of 1897, s. 36.

#### AGENTS AND SCRUTINEERS.

**37.** Every candidate shall be entitled to be represented at each polling place by an agent who shall produce to the deputy returning officer his appointment as agent signed by the candidate or (in case of his absence from the Territories) by two of the electors nominating such candidate, which shall be filed by the returning officer.

Agents of candidates at polling places

(2) The agent so appointed shall have the right to appoint over his signature one or more but not exceeding five scrutineers on behalf of his principal. No. 11 of 1897, s. 37.

Appointment of scrutineers

**38.** In addition to the deputy returning officer and his poll clerk, each candidate, his agent and one of his scrutineers or in the absence of the agent two scrutineers, an interpreter (if one is required) during the time for which his services are required and no longer, a peace officer if his services are required and not otherwise, and the voter actually engaged in voting, and no others, shall be permitted to remain in the outer room of the polling place. No. 11 of 1897, s. 38.

Persons who may remain in outer room of polling place

#### QUALIFICATION OF VOTERS.

**39.** The persons qualified to vote at an election for the Legislative Assembly shall be the male British subjects by birth or naturalisation (other than unenfranchised Indians)

Qualifications of voters

who have attained the full age of twenty-one years, who have resided in the North-West Territories for at least the twelve months and in the electoral district for at least the three months respectively immediately preceding the time of voting.

Electors to  
vote where  
resident

(2) Except as hereinafter provided, an elector may only vote at the polling place of the polling division in which he is a resident at the time of voting. No. 11 of 1897, s. 39.

#### VOTING.

Procedure  
when elector  
presents  
himself to  
vote

**40.** When a person claiming to be entitled to vote presents himself for the purpose of voting between the hours of nine o'clock in the forenoon and five in the afternoon of the polling day, the deputy returning officer shall without unnecessary delay cause him to be admitted to the outer room of the polling place and shall further proceed as follows:

1. He shall ask from the person desirous of voting—

(a) His full name;

(b) His occupation;

(c) His place of residence; and shall

2. Cause the answers (which must be made in a voice audible to the scrutineers in the polling place, unless the person be dumb) to be entered in their proper places in the poll book which shall be kept in form J in schedule 2 to this Ordinance.

3. The name of each voter or person tendering a vote shall be numbered consecutively. No. 11 of 1897, s. 40; No. 4 of 1898, s. 6.

Voter may be  
required to  
subscribe to  
Statement  
No. 1

**41.** A scrutineer or person acting as such may order the deputy returning officer to require any person tendering a vote to subscribe to statement No. 1 contained in form K of schedule 2 to this Ordinance after it has been read to him in an audible voice. No. 11 of 1897, s. 41.

Voter may be  
required to  
subscribe to  
Statement  
No. 2

**42.** A scrutineer or person acting as such may order the deputy returning officer to require any person tendering a vote to subscribe to statement No. 2 contained in form K of schedule 2 to this Ordinance after it has been read to him in an audible voice. No. 11 of 1897, s. 42.

Record of  
statements  
made in poll  
book

**43.** If a person tendering a vote is required to sign a statement and does so, the poll clerk shall enter in the poll book after his name and residence the number of the statement made and the name of the person at whose request it was required to be made. No. 11 of 1897, s. 43.

Statements to  
be filed

**44.** All statements made under sections 41, 42, 50 and 52 shall be filed by the deputy returning officer. No. 11 of 1897, s. 44.

Refusal to

**45.** If a person who desires to vote refuses or fails to sign

a statement when required to do so the poll clerk shall write after the entry of his name and place of residence in the poll book the words "Refused statement No. " (giving the number of the statement refused by him) and the name of the person at whose request he was required to sign such statement; and the person so refusing or failing to sign such statement shall at once leave the polling place and not enter it again and shall not be allowed to vote at that polling place. No. 11 of 1897, s. 45.

**46.** If the person required to sign a statement is unable to sign his name, he shall make his mark which shall be certified by the signature of the deputy returning officer. No. 11 of 1897, s. 46.

**47.** If the person desiring to vote is unable to understand the English language the deputy returning officer shall enter a remark to that effect opposite his name in the poll book and may allow him to retire from the polling place until a competent interpreter can be procured who shall (after taking the oath provided in form L of schedule 2 to this Ordinance before the deputy returning officer) interpret the proceedings to each voter in whose case he is employed.

(2) When an interpreter is employed his name shall be entered in the poll book with the particulars of the case in which he acted and any objections that may be made by any of the scrutineers or persons acting as such. No. 11 of 1897, s. 47.

**48.** If a person desirous of voting is not required to sign a statement or after he has done so, the deputy returning officer or the poll clerk (if he is acting as deputy returning officer) shall—

- (a) Write his own initials and make an impression with the stamp provided for that purpose on the back of one of the ballot papers provided according to this Ordinance;
- (b) Hand such ballot paper to the voter together with all the pencils for marking the same provided for in section 34 of this Ordinance;
- (c) Inform the voter in an audible voice of the names of the candidates and the colour which represents each candidate; and
- (d) Direct the voter to go into the inner room and mark the front of the ballot paper (or the face other than that on which the initials of the deputy returning officer and the mark of the stamp appear) in the form of an X with the pencil the colour of which represents the candidate for whom he desires to vote and fold it according to the crease which appears in it so that the said initials shall be on the outside and the mark made by the voter shall be on the inside, first wetting the mucilage so that the ends so brought together shall remain fastened.

Marking  
ballot by  
voter

(2) The voter shall then go into the inner room of the polling place and shall mark his ballot ; and after complying with the directions of the deputy returning officer shall return to the outer room and hand his ballot together with the aforesaid pencils to the deputy returning officer, who shall (subject to the provisions of sections 49, 50 and 52) in plain view of the scrutineers drop the ballot into the ballot box.

When ballot  
returned is  
not same as  
issued by  
deputy  
returning  
officer

(3) If any voter hands to the deputy returning officer any ballot marked on the outside with another mark than the said initials and stamp, the deputy returning officer shall immediately destroy the same and the said voter shall not be allowed to vote at that polling place.

Voter then to  
leave

(4) The voter shall leave the polling place as soon as his ballot has been placed in the ballot box and shall not enter it again unless in the discharge of some of the duties provided for in this Ordinance.

Entry in  
poll book

(5) The poll clerk shall write the word "Voted" in the poll book after the name and place of residence of every person who has voted as soon as his ballot has been deposited. No. 11 of 1897, s. 48 ; No. 4 of 1898, s. 7.

Voter may be  
charged with  
illegal voting

**49.** When a person voting has been required to sign a statement and has signed it, the deputy returning officer before receiving from him his marked ballot shall (if so requested by any person acting as scrutineer of any candidate) serve such person with a notice in the form M in schedule 2 hereto to appear at a time and place to be named in the notice to answer to a charge of having voted contrary to the provisions of this Ordinance ; and shall give a copy of such notice to the person or persons so requiring such notice to be served.

Notice to  
answer charge

(2) The said notice may be given on behalf of one or more candidates.

Time for  
appearance  
to answer  
charge  
Disposition of  
ballot in such  
case

(3) The time appointed in such notice for such appearance shall not be less than two days after the polling day.

(4) After serving the notice provided in the preceding subsections, the deputy returning officer shall—

(a) Receive the ballot of the person desiring to vote ;

(b) Place it in an envelope ;

(c) Securely seal the envelope ;

(d) Write upon it the name and place of residence of the person and his number as it appears in the poll book, the name and number of the polling place and his own name in full ; and shall then

(e) Deposit it in the ballot box.

Entry in  
poll book

(5) The poll clerk shall enter in the poll book (in the next line below the particulars hereinbefore provided regarding the voter) a statement of—

(a) His having been served with such notice ;

(b) The name of the person or persons at whose request the notice was served :



- (c) The name of the candidate or candidates on whose behalf he or they were acting; and
- (d) The place, day and hour where the person is required to appear. No. 11 of 1897, s. 49; No. 4 of 1898, s. 8.

**50.** Any deputy returning officer, poll clerk, candidate, agent or scrutineer who is resident in a polling division other than the one at which he is stationed on the polling day shall be permitted to vote at the polling station where he is so stationed provided he produces a certificate of his authority to act in such capacity from the returning officer, deputy returning officer, candidate or agent of a candidate (as the case may be) having authority under this Ordinance to appoint him and after signing statement No. 3 prescribed in form K of schedule 2 to this Ordinance; and a note shall be made of the particulars in the poll book opposite the voter's name. Vote of election officers, how taken

(2) On the demand of any scrutineer or person acting as such any of the persons mentioned in this section applying to vote shall be required to subscribe to statement No. 2 of said form K before being allowed to vote. Statement No. 2 to be subscribed if required

(3) The provisions of section 49 shall apply to cases provided for in this section. No. 11 of 1897, s. 50. Election officer may be charged with illegal voting

**51.** In case of an application by a person claiming to be entitled to vote who is incapacitated by blindness or other physical cause from marking his ballot paper, the deputy returning officer shall in the plain view of the candidates or their agents or scrutineers (if present) cause the vote of such person to be marked on a ballot paper for the candidate directed by such person and shall cause the ballot paper to be placed in the ballot box; and shall make a statement of the fact including the name of the candidate for whom the vote was cast opposite the voter's name on the poll book. No. 11 of 1897, s. 51; No. 4 of 1898, s. 9. Vote of person unable to mark

**52.** If a person representing himself to be a particular elector whose name already appears in the poll book as having voted or as having refused to sign a statement applies to vote, unless the deputy returning officer is aware that the person who already presented himself to vote in that name had a right to do so and that the person now presenting himself to vote in the same name has also the right to do so or if directed to do so by any candidate, agent or scrutineer he shall require him to sign statement No. 1 provided in form K of schedule 2 to this Ordinance and shall enter his name and residence in the poll book, and shall give him a ballot paper as provided in section 48 and shall before receiving from him his marked ballot paper serve him with a notice in form M of schedule 2 to this Ordinance; and the deputy returning officer shall also cause a similar notice to be served on the person who had previously voted or applied to vote in that name. Person tendering vote under name already voted

(2) The provisions of subsections 3, 4 and 5 of section 49 Ballot and

entry in poll  
book in such  
cases

shall apply to cases provided for in this section No. 11 of 1897, s. 52; No. 4 of 1898, s. 10.

Ballot spoiled  
before used

**53.** A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a way that it cannot be conveniently used as a ballot paper on delivering to the deputy returning officer the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the deputy returning officer shall be given another ballot paper in the place of the ballot paper so delivered up; and the deputy returning officer shall forthwith destroy the spoiled ballot paper in the plain view of the candidates or their agents or scrutineers if present. No. 11 of 1897, s. 53.

Procedure

#### CLOSE OF THE POLL.

Time of close  
of poll

**54.** At the hour of five o'clock in the afternoon (standard time) the deputy returning officer shall declare the poll closed and shall not allow any more votes to be polled except the vote of the person who may be in some part of the act of voting at that hour.

Sealing of  
ballot box

(2) Immediately after the last ballot as above provided has been placed in the ballot box, the deputy returning officer shall fill up and securely seal the opening in the lid of the box through which the ballots were inserted. No. 11 of 1897, s. 54.

Entry of  
objections

**55.** Immediately after the closing of the poll, the deputy returning officer shall enter in a book a certificate that his entries in the poll book are correct and shall also enter any objections that the candidates or their agents or scrutineers may desire to have entered as to the conduct of the poll or as to its hour of closing. No. 11 of 1897, s. 55.

#### COUNT BY DEPUTY RETURNING OFFICER.

Opening of  
ballot box and  
papers

**56.** The deputy returning officer shall then (in the presence of the candidates or their agents or scrutineers or such of them as may be present) open the ballot box and count the number of ballots contained therein; and shall note separately in the poll book the number of ballots that have been placed in envelopes and the unobjected ballots.

Count

(2) After having made the entry in the poll book, he shall then proceed to open the unobjected ballots by breaking the mucilage; and shall count the number cast for each candidate according to the colour marked upon the face of each ballot paper; and shall enter the result of his count in the poll book.

Spoiled  
ballots

(3) If from any cause the intention of any voter has not been made apparent by the colour or nature of the mark or marks on the ballot paper or if the ballot paper is not marked with the initials of the deputy returning officer and the stamp required by section 48 such paper shall be considered a spoiled ballot paper: and all such spoiled ballot papers at each polling place shall be kept separately from the counted ballots and shall be placed in a securely sealed package.

(4) If the number of ballot papers found in the ballot box does not correspond with the number appearing in the poll book as having been cast, the fact shall be noted in the poll book. No. 11 of 1897, s. 56. Discrepancy  
in number  
of ballots

**57.** The deputy returning officer shall then return all the ballots to the ballot box and shall place within it a statement signed by himself as deputy returning officer containing— Duty of  
deputy  
returning  
officer after  
count

- (a) The name and number of the polling division ;
- (b) The number of ballots cast at that polling place according to the poll book ; and
- (c) The number of ballots actually contained in the ballot box ;

and he shall then securely lock and seal the same in the presence of the candidates or their agents or scrutineers or in their absence in the presence of any electors present ; and shall make out a statement in duplicate, one copy of which he shall keep and shall transmit the other to the returning officer, showing—

- (d) The total number of votes cast ;
- (e) The total number of the unobjected ballot papers cast for each candidate ;
- (f) The number of spoiled ballots ;
- (g) The number of those the rightfulness of which is in dispute ; with
- (h) The several names and numbers appearing in the poll book of the voters whose vote is disputed, and the grounds on which each vote is disputed, and by and on behalf of whom ;

a copy of which statement he shall deliver on demand to any candidate, agent or scrutineer. No. 11 of 1897, s. 57 ; No. 4 of 1898, s. 11.

**58.** The deputy returning officer shall forward to the returning officer by such means as may have been directed by the returning officer— Return to  
returning  
officer

- (a) The ballot box ;
  - (b) The authority under which he acted as deputy returning officer ;
  - (c) The name of his poll clerk and the authority under which he acted ;
  - (d) The names of the agents and scrutineers representing each candidate with the authority under which they acted ; and
  - (e) The statements provided for in the preceding section ;
  - (f) All other documents relating to the election which have been filed with or by him ; and all materials used by him and the statements made by voters and the poll book, unless such statements and poll book are required for the purposes of a court of revision.
- No. 11 of 1897, s. 58.

## COURT OF REVISION.

Time, place  
and members  
of court of  
revision

**59.** At the time and place mentioned in the notice served upon any voter as provided in sections 49, 50 or 52 (which time shall be as soon as may be and the place and building used as polling place or another building as near thereto as may be) the deputy returning officer sitting with a justice of the peace whom he shall select or such justice as may have been appointed to sit with him by the Lieutenant Governor shall hear and dispose of any objections to the right of any voter of which notice was given during the polling day as provided in sections 49, 50 or 52.

Functions

Constitution  
of court

(2) The deputy returning officer sitting with such justice of the peace as above provided shall constitute a court of revision within the meaning of this Ordinance. No. 11 of 1897, s. 59.

Powers of  
court

**60.** The court of revision shall for the purpose set forth in the preceding section have all the powers of a court of record as to compelling the attendance of witnesses and their examination, the production of books and documents, and the taking of evidence under oath at any sittings held by it; and such court shall have generally for the purposes aforesaid all the powers of any court of record in the Territories. No. 11 of 1897, s. 60; No. 4 of 1898, s. 12.

Compelling  
attendance of  
witnesses,  
production of  
documents,  
etc.

**61.** The court of revision or either of the members thereof shall (on the application of any person who is supporting or opposing any objection, complaint or application which is to be considered at any of the courts or sittings hereinbefore provided for) issue a summons in the form N in schedule 2 to this Ordinance directed to any person required by such applicant as a witness thereat commanding such person to attend at such court or sittings and also commanding such person to bring any papers or articles in the possession or power of such person as may be required and to give evidence at such court or sittings relating to any matter connected with any such objection, complaint or application; and (in the event of such person not so attending after being served with such summons and paid or tendered his proper witness fees according to the scale allowed in tariff A of schedule 3 to this Ordinance) may (on due proof of the service of the summons and of the payment or tender of the proper witness fees and on receiving from the person causing the witness to be summoned the fees for committing and conveying such witness to prison) commit such witness to the common gaol or other lawful place of imprisonment for a term not exceeding one month; and the fees for such commitment and conveyance shall be the same as when a person is committed to prison under a summary conviction.

Deposit to pay  
witness fees

(2) Before any summons is issued requiring the attendance of a witness at the court of revision the person desiring the attendance of such witness shall furnish the deputy returning officer with such sum of money as will be sufficient to pay the

fees of the said witness as provided in the said tariff. No. 11 of 1897, s. 61; No. 4 of 1898, s. 13.

**62.** The person whose right to have voted is the subject of objection shall not be paid witness fees until the court decides that he had a right to vote; and such witness fees shall be paid to the deputy returning officer at or before the opening of the court of revision by the person or persons at whose request the inquiry is held. No. 11 of 1897, s. 62; No. 4 of 1898, s. 14. Right of voter to fees

**63.** If the person whose right to vote is the subject of inquiry fails to appear personally or by agent according to the notice received by him on polling day his vote shall be disallowed and he shall be liable for the costs of all witnesses summoned in respect of his case. No. 11 of 1897, s. 63. Default of appearance by voter

**64.** If at any time the person or persons at whose request the inquiry as to the rightfulness of any vote is being held notifies the deputy returning officer over his or their signatures that he or they wish the inquiry as to such vote to cease or in case the witness fees mentioned in section 61 of this Ordinance are not paid to the deputy returning officer as therein provided the inquiry shall cease forthwith and such person or persons shall pay all fees of witnesses summoned by the court of revision and the expenses of summoning such witnesses up to the time at which he or they gave notice that the inquiry should cease; and such vote shall be allowed. No. 11 of 1897, s. 64; No. 4 of 1898, s. 15. Withdrawal of complaint

**65.** In case any party to the inquiry requires a certified copy of the certificate of naturalisation of any voter whose vote is in question to be produced at such inquiry, he shall deposit with the deputy returning officer the necessary fees for procuring the same from the clerk of the court or other officer with whom such certificate of naturalisation is registered and a sum sufficient to cover postage and postal registration in sending for and forwarding such certified copy; and the deputy returning officer shall thereupon forthwith send by registered letter prepaid addressed to such clerk or other officer the said fee and a sum sufficient to cover the postage and postal registration to forward such certified copy together with the address to which it is requested such certified copy shall be sent, and a request to forward such certified copy to such address; upon receipt of which registered letter, fees and postage such clerk or other officer shall forthwith by registered letter prepaid, addressed as requested, forward a certified copy of the certificate of naturalisation. Proof of naturalisation

(2) Nothing in this section contained shall be held in any way to affect as evidence the validity of a certificate of naturalisation at any time issued to the voter whose vote is in question. No. 11 of 1897, s. 65. Validity of certificate of naturalisation as evidence

**66.** Any of the parties to any such inquiry may appear Appearance

in person or  
by agent

before the court of revision in person or by agent. No. 11 of 1897, s. 66.

Question to be  
determined by  
court

**67.** The question to be determined at any inquiry by the court of revision hereby constituted shall be whether any statement made on polling day under the provisions of this Ordinance by the voter whose vote is the subject of the inquiry is false in whole or in part and if false in part in what respect it is so false.

Where  
statement is  
proved false

(2) If it is proved to the satisfaction of the court that any voter whose vote is the subject of inquiry has made any such statement which is false in whole or in part the vote of such voter shall be disallowed; but if it be proved to the satisfaction of such court that every such statement so made by such voter is altogether true such vote shall be allowed.

Where  
statement is  
proved true

Burden of  
proving truth  
of statements  
Nos. 1 and 3

(3) The burden of proving the truth of statements numbers 1 and 3 of form K if made by the voter shall lie on him; but the person challenging the vote shall be at liberty to produce evidence in rebuttal showing that such statements or either of them if made by the voter or some part thereof is untrue.

Burden of  
proving truth  
of statement  
No. 2

(4) If the voter has made statement number 2 of the said form it will be *prima facie* assumed to be a true statement; and the burden of proving that it or any part of it is untrue shall lie on the person challenging the vote; but the voter on evidence being given to prove that the said statement or any part of it is untrue shall be at liberty to adduce evidence in rebuttal to show that it is true.

Decision to be  
given in open  
court

(5) The decision of the court shall be rendered in open court and if the members of the court fail to agree it shall be stated in open court. No. 11 of 1897, s. 67.

Adjournment  
of court

**68.** Whenever (by reason of the absence of witnesses or other reasonable cause) it is impossible to hold or to conclude the inquiry on the day stated in the notice given on polling day, the court of revision shall cause the sitting to be adjourned from day to day until the inquiry is concluded:

Absence of  
material  
testimony

Provided that the court (in case the adjournment is asked for on the ground of the absence of material testimony, documentary or otherwise) must be satisfied that the person whose duty it was to procure such testimony has used reasonable diligence to do so. No. 11 of 1897, s. 68.

Court to make  
returns of  
decisions  
reached

**69.** The court shall forthwith after concluding its labours make a return of the decisions reached by it on the qualifications of the several voters whose right to vote is the subject of dispute; and if any vote has been disallowed it shall specify on what ground it has been disallowed; that is, if it has been disallowed on the ground that any statement made by the voter is false, it shall specify the statement; if on the ground that any such statement is false in part, it shall specify in what particular it is so false; and the court shall forward such return to the returning officer duly certified by both members of the court of revision, together with the poll books and statements pertaining to the election.

(2) In case the members of the court of revision fail to agree, the full copy of the evidence certified to by both members of the court shall be forwarded with the return to the returning officer who shall render a decision. Where the court fails to agree, decision to be given by returning officer

(3) As soon as may be after the arrival of the returns and at least two days before he commences to count the ballots, the returning officer shall render his decision regarding any ballot upon which the court of revision has failed to agree; and shall in said decision if he disallows the vote ~~state~~ (as in subsection 1 of this section) on what ground he disallows it. No. 11 of 1897, s. 69. Count by returning officer

**70.** The court of revision (or the returning officer when the decision is made by him) may award costs to or against any party to the application, which costs shall only be for witness fees and expenses of summoning witnesses according to the scale of fees in tariff A of schedule 3 to this Ordinance; and moneys deposited under the provisions of section 65 hereof and the said costs may be levied by order of the said court or the returning officer (as the case may be) by distress in the same manner as distress is leviable upon a warrant issued on a summary conviction. No. 11 of 1897, s. 70. Court or returning officer may award costs

**71.** The expenses of holding the court of revision shall be charged as a part of the general expenses of the election. No. 11 of 1897, s. 71. Expenses of court

#### APPEALS.

**72.** As soon as the returning officer has received from any deputy returning officer the papers mentioned in section 69 hereof he shall on demand permit their examination by the several candidates or their agents; and shall furnish to each candidate or his agent a certified copy of any such document that they may demand. No. 11 of 1897, s. 72; No. 4 of 1898, s. 16. Examination by candidates of returns of courts of revision

**73.** Appeals against the decision of the court of revision or of the returning officer rendered under section 69 hereof may be entered with the returning officer by any candidate or his agent or by any person whose vote has been disallowed at any time up to the hour of commencing the count of the votes by the returning officer; and such appeal shall be entered by notice in writing to the said returning officer: Time for appeal

Provided that no appeal shall be received by the returning officer unless the sum of \$10 is deposited with him as security for the costs of the prosecution of such appeal. No. 11 of 1897, s. 73. Security for costs

#### COUNT BY RETURNING OFFICER.

**74.** The returning officer shall have the custody of the ballot box from the time it leaves the hands of the deputy returning officer and shall be subject to the penalty provided in section 128 of this Ordinance if it is opened by himself or any other person until the day and hour appointed for the counting of the votes or (in case the count is adjourned under

section 75 hereof) until the day and hour of such adjournment. No. 11 of 1897, s. 74 : No. 4 of 1898, s. 17.

Production of  
books, etc., at  
time fixed for  
count

**75.** The returning officer at the place and on the day and hour mentioned by him in his announcement on nomination day that a count would be held shall appear and produce the poll books, statement sheets of the deputy returning officers, statements of the courts of revision showing the result of the objections made before them to the validity of any votes cast, and the ballot boxes of the several polling places.

Adjournment  
of count

(2) If all the returns have not been received from the deputy returning officers on the day appointed or if there are not two clear days between the day of receipt of the last return of the deputy returning officers or between the date of the latest decision of the returning officer under the provisions of section 69 hereof and the day appointed for the count, the returning officer may adjourn the count until a future day and may again from time to time in the like case adjourn from day to day until such returns are all in and until a time when two clear days have elapsed between the receipt of the last return of the deputy returning officers or the last decision of the returning officer under said section 69, whichever may have last happened. No. 11 of 1897, s. 75 ; No. 4 of 1898, s. 18.

Record book

**76.** The returning officer shall be provided with a suitable book to be called a "record book," in which he shall enter the particulars required by this Ordinance to be kept on record. No. 11 of 1897, s. 76 ; No. 4 of 1898, s. 19.

The count

**77.** The returning officer when the day and hour for counting the votes has arrived (whether according to his announcement on nomination day or in pursuance of any adjournment) shall then appear at the place designated and produce the proper book and material specified in section 75 hereof, and shall begin with polling place number 1 and shall note in his record book the number of ballots shown by the deputy returning officer's report of the polling place to have been cast; and he shall then open the ballot box and count the number of ballots contained therein. No. 11 of 1897, s. 77.

Discrepancy  
in number

**78.** If the number is not the same as that mentioned in the return of the deputy returning officer, he shall make a note of that fact. No. 11 of 1897, s. 78.

Count  
(1) appealed  
ballots

**79.** He shall then first count and keep separately those ballots regarding which an appeal has been finally entered, entering the names, numbers and full particulars in his record book. No. 11 of 1897, s. 79.

(2) Illegal  
ballots not  
appealed

**80.** He shall then count and keep separately in a sealed package the ballots which the court of revision has decided were illegally cast which are not the subject of appeal making a full record of the same in his record book ; and the said ballots (without being removed from their envelopes) shall be de-



stroyed by fire at the close of the count in the presence of the candidates or their agents if present. No. 11 of 1897, s. 80.

**81.** He shall then count (without examination) and place in an open vessel the ballots which have been already counted by the deputy returning officer; and shall enter the number in his record book. No. 11 of 1897, s. 81. <sup>(3) Good ballots</sup>

**82.** He shall then count the spoiled ballots and enter the number in his record book; and shall examine them and shall place such as he considers make apparent the intent of the voter and have been properly initialled and stamped by the deputy returning officer among the ballots already counted by the deputy returning officer and shall enter the number in his record book; and shall keep separately and place in a securely sealed package those which he considers do not make apparent the intent of the voter or are not properly initialled or stamped and shall enter the number in his record book. No. 11 of 1897, s. 82. <sup>(4) Spoiled ballots</sup>

**83.** He shall then open the envelopes containing the ballots whose validity has been sustained by the court of revision or by himself and against which no appeal has been entered as provided in section 73 of this Ordinance; and after opening each such ballot (without examination) and placing it amongst the unobjected ballots shall enter the facts in full in his record book. No. 11 of 1897, s. 83. <sup>(5) Ballots appealed and sustained</sup>

**84.** The returning officer (after mixing the ballots so that those put in last shall not be distinguishable) shall proceed to open the ballots and count the number cast for each candidate. No. 11 of 1897, s. 84. <sup>Count of votes</sup>

**85.** In case a ballot is so marked that it is difficult or impossible to distinguish for which candidate it was intended to be counted it shall be placed with the ballots which do not make apparent the intent of the voter mentioned in section 82 hereof. No. 11 of 1897, s. 85. <sup>Ballots that are illegibly marked</sup>

**86.** When all the ballots contained in the ballot box have been counted, the returning officer shall announce the result and shall record the same in his record book; and shall proceed to seal up in separate parcels the counted ballots and the spoiled ballots; and these parcels with the ballots still the subject of appeal shall be returned to the ballot box which the returning officer shall seal so that it cannot be opened without breaking the seal; and the candidates or their agents shall also be permitted to similarly affix their seals. No. 11 of 1897, s. 86. <sup>Announcement of result  
Disposition of ballot papers</sup>

**87.** The returning officer shall then proceed similarly with the ballot box and returns of the second polling station and so on until all the ballots cast in the electoral district have been disposed of as hereinbefore provided. No. 11 of 1897, s. 87. <sup>Continuation of count</sup>

## DECLARATION OF ELECTION.

Declaration of  
result of  
polling

**88.** The returning officer shall then declare elected the candidate for whom the largest number of ballots have been counted; and shall deliver to all the candidates or to the agent of any candidate who may be present if the candidate is not present a written statement declaring the said candidate duly elected; and such statement shall specify the number of ballots counted for each candidate, the number of spoiled ballots and the number still the subject of appeal.

Procedure in  
case of tie

(2) In case of a tie the returning officer shall give a casting vote, which shall be entered in his record book. No. 11 of 1897, s. 88.

**89.** The returning officer shall then—

Final duties  
of returning  
officer

1. Cause all the ballot boxes, poll books, record books and statements made by voters to be placed in the custody of the sheriff of the judicial district in which the electoral district or the largest part thereof is situated;

2. Hand over to the sheriff all moneys received by him as security for the costs in the prosecution of any appeals against the decisions of the courts of revision or of himself;

3. Notify the clerk of the Supreme Court for the judicial district in which the electoral district or the largest part thereof is situated of any appeals that have been entered against any decision of the courts of revision or of himself;

4. Forward to the clerk of the Executive Council—

(a) The writ of election; together with

(b) A certificate in writing specifying the name of the candidate declared by him elected; and

(c) All the books, papers, affirmations and other materials which have been returned to him, except such as have been placed in the sheriff's hands as above provided.

Candidate  
deemed  
elected

(2) The candidate so certified as elected shall be deemed to be duly elected until and unless a judge upon appeal or recount as hereinafter directed shall declare another candidate elected. No. 11 of 1897, s. 89.

## HEARING OF APPEALS.

Appeals to  
judge

**90.** Any clerk of the Supreme Court being notified as provided in the last preceding section shall forthwith after being so notified bring such notification before the judge of the Supreme Court usually exercising jurisdiction in the judicial district in which the electoral district or the largest part thereof is situated; and such judge shall thereupon appoint a convenient time and place within such judicial district to hear such appeals and direct the clerk to give such notice to the persons interested in such appeals as he may direct and in such manner as he may direct; and the clerk shall give such notice accordingly. No. 11 of 1897, s. 90.

**91.** The judge shall sit at the time and place so appointed and hold an inquiry into the validity of the votes cast regarding which appeals have been made; and shall hear such evidence as may be adduced; and may affirm or reverse the decision of the court of revision or of the returning officer (as the case may be) with respect to any such vote; and shall render such judgment with respect to the validity of such vote as such court or returning officer ought to have rendered. Inquiry by judge

(2) The judge sitting in appeal shall be deemed a court and shall have and exercise all the powers and authorities by this Ordinance conferred upon the court of revision. Powers of judge

(3) The clerk of the Supreme Court for the judicial district within which the judge is sitting shall attend at such sittings and shall administer oaths to the witnesses, and otherwise act as clerk of the court. No. 11 of 1897, s. 91. Clerk to attend

**92.** All subpoenas issued for the attendance of witnesses before such judge sitting in appeal shall be issued by the said clerk under the seal of the Supreme Court for such judicial district and shall be deemed to be issued out of such court. Subpoenas to be issued by clerk

(2) Any witness being duly served with any such subpoena and being paid or tendered the fees and conduct money provided in tariff B in schedule 3 hereto who fails without reasonable excuse to obey the behests of such subpoena shall be deemed to have committed a contempt of the Supreme Court. Witness failing to obey subpoena

(3) In case any such contempt is alleged to have been committed application may be made to a judge of the said Supreme Court usually exercising jurisdiction in such judicial district sitting in chambers for a writ of attachment against the person alleged to be guilty of such contempt; and such application shall be founded upon such material as chamber applications in such court are usually founded upon; whereupon such judge shall proceed on such application according to the chamber procedure in such court: and if on the return of the chamber summons and hearing the parties and evidence adduced the judge shall be of opinion that a contempt has been committed he shall order an attachment to issue out of such court against the party offending; and such attachment shall issue accordingly and the party shall be dealt with in the same way that he would be dealt with under and by virtue of any writ of attachment if sued out according to the practice of the court. Attachment against such witness

(4) If the judge is of opinion that no contempt has been committed he shall dismiss the summons with or without costs as he may direct; and any costs that are awarded shall be the same as are awarded by the practice of the court on similar applications. No. 11 of 1897, s. 92; No. 4 of 1898, s. 20. Judge may dismiss summons Costs

**93.** The ballot boxes, poll books, record books, statements of voters and all material or forms used at or in relation to the polling place at which the vote appealed against was cast shall be subject to the order of the judge during the trial of the appeal. No. 11 of 1897, s. 93. Election material to be subject to order of judge

Costs

**94.** The costs to be allowed in the case of such inquiry shall be according to tariff B in schedule 3 to this Ordinance and shall be taxed by the clerk and shall be chargeable in the first place to the sum placed in the hands of the sheriff of the judicial district :

Proviso

Provided that the judge may instead (if the appeal is sustained) order the costs or a part thereof to be paid by the person whose vote is appealed against. No. 11 of 1897, s. 94; No. 4 of 1898, s. 21.

Further deposit

**95.** When the sum of \$10 provided for in section 73 hereof has been applied in costs the judge may from time to time require the deposit by the appellant of a further sum which shall be fixed by him according to the probable expenses of the case ; and if such deposit is not paid before continuing the proceedings the appeal may be dismissed with or without costs as the judge may direct.

Any part of deposit remaining after appeal to be returned

(2) If at the conclusion of the appeal a part of the sum or sums deposited remains in the sheriff's hands after all orders against it have been paid it shall be returned to the person depositing the same. No. 11 of 1897, s. 95.

Withdrawal of appeal

**96.** If at any time the appellant notifies the judge over his signature of his desire to withdraw an appeal the proceedings in that appeal shall forthwith cease ; and the balance of the money deposited by the appellant after payment of the costs of the court up to that time shall be returned to him ; but if there is not sufficient balance remaining to pay such costs the judge may in his discretion order the appellant to pay the deficiency to such party as he may by his order direct. No. 11 of 1897, s. 96.

Costs

#### COUNT OF APPEALED VOTES BY JUDGE.

Duty of judge after hearing appeals

**97.** After the judge has concluded his inquiry as to all the appeals regarding the validity of votes cast which have been brought before him and rendered his decision, unless a recount has been demanded he shall —

Remove appealed ballots

1. Open a ballot box containing ballots which have been the subject of appeal before him and remove such ballots only ;

Destroy unlawful ballots

2. Destroy, without opening the envelopes, the ballots which he has decided were unlawfully cast ;

Open lawful ballots

3. Open the envelopes containing the ballots which he has decided were lawfully cast and taking out the ballots place them together in a vessel without examining them so that they may be mixed together and not distinguishable one from the other ;

Count of vote

4. Take such ballots out of such vessel ; open them and count the ballots which have been cast for each candidate, rejecting only such as do not make apparent the intent of the voter, which ballots so rejected he shall destroy ;

Counted ballots

5. Return the ballots which he has counted to the ballot box and securely lock and seal the same ;

6. Proceed similarly with each of the ballot boxes of the electoral district containing ballots which have been the subject of appeal; Continuation

7. Record the number of ballots the objection to which he has sustained, the number cast for each candidate, and the number rejected as not having made apparent the intent of the voter; Record of vote

8. Add to the total vote received by each candidate according to the return made by the returning officer the number of appealed ballots which he has decided have been cast for each candidate; Count of appealed ballots

Provided that if a tie has occurred at the count by the returning officer and the returning officer has given a casting vote, such vote shall not be counted unless a tie occurs again in the count by the judge, in which case the vote of the returning officer shall be counted for the candidate for whom it was cast; Previous casting vote, if any, not to be counted in first count

Provided further that if a tie has not occurred at the count by the returning officer and does occur at the count by the judge the returning officer shall then forthwith give a casting vote upon being requested to do so by the clerk at the instance of the judge; Casting vote to be given by returning officer if required

9. Declare elected the candidate who has received a majority of all the ballots counted by himself and by the returning officer; and Declaration of poll

10. Certify in writing to the clerk of the Executive Council the name of the candidate declared elected by him upon his count of appealed ballots as herein provided; and upon such certificate being given (unless a recount is demanded) such declaration shall be final and conclusive to all intents and purposes subject to the provisions of *The Controverted Elections Ordinance*. No. 11 of 1897, s. 97. Certify result to clerk of Executive Council  
Declaration final

98. Any order made by a judge acting on appeal shall be carried out and may be enforced as if it were an order of the Supreme Court in the judicial district within which the judge sits upon such appeal. No. 11 of 1897, s. 98. Enforcement of orders of judge

#### RECOUNT BY JUDGE.

99. Upon any candidate or his agent placing in the hands of the sheriff of the judicial district mentioned in section 89 of this Ordinance the sum of \$50 with a demand in writing for a recount of the ballots cast in one or more polling divisions, any judge of the supreme court usually exercising jurisdiction in the judicial district where the election was held shall (after having disposed of any appeal regarding the validity of ballots that may have come before him) on application made to him as hereinafter mentioned hold a recount. Demand of recount

(2) No application for a recount shall be entertained unless such application is accompanied by \$50 as provided in this section and is made within thirty days after the declaration of election by the returning officer if no appeals have been made Deposit for and time of recount

from the decision of the court of revision or returning officer to the judge; and if any such appeals have been made then within thirty days after the judge has given his decision regarding such appeals.

Disposition  
of deposit

(3) The money deposited with a demand for a recount shall be disposed of by order of the judge in defraying the necessary expenses of holding the recount; and the remainder if any shall be returned to the person who deposited it.

Ballot boxes,  
etc., to be  
subject to  
order of judge

(4) The ballot boxes, poll books, books of record and other materials or forms used at the polling place respecting which the demand for a recount has been made shall be subject to the order of the judge during such recount. No. 11 of 1897, s. 99.

Time and  
place of  
recount

**100.** Upon the party demanding a recount or any person on his behalf satisfying the judge by affidavit verifying the demand that a demand for a recount has been served on the sheriff as hereinbefore provided and that the sum of \$50 has been deposited with such sheriff as provided in the last section the judge shall sign an appointment fixing a time and place within the said judicial district at which such recount shall be held and shall in such appointment direct upon whom and in what manner such appointment shall be served. No. 11 of 1897, s. 100.

Procedure  
thereat

**101.** The judge shall attend at the time and place so appointed and upon being satisfied by affidavit that his appointment has been duly served upon the persons directed by him to be served therewith he shall proceed with such recount:

Proviso  
If recount not  
properly  
demanded or  
security  
omitted

Provided however that it may be open to any candidate or agent to show by evidence either *viva voce* or upon affidavit as the judge may direct that the demand for a recount was not made or the sum of money was not deposited with the sheriff as provided by section 99 hereof or was not deposited within the time thereby prescribed; and upon the judge being satisfied that such demand was not so made or that such money was not so deposited he shall so find; and shall file with the said sheriff a written finding to that effect signed by him; and thereupon the said recount shall be abandoned. No. 11 of 1897, s. 101.

Count of  
ballots

**102.** In case the judge proceeds with the recount he shall (in the presence of such of the candidates or their agents appointed as such in writing as may be present) open one of the ballot boxes regarding which a recount has been demanded and shall count the number of ballots contained therein; and shall note the number in a book and shall place the ballots in an open vessel. No. 11 of 1897, s. 102.

Examination  
and count of  
ballots

Illegal ballots

**103.** The judge shall then proceed to examine and count the ballots for the several candidates as it shall appear to him to have been the intent of the several voters marking the ballots, rejecting only those by which the voter has not made his intent apparent or which have not been properly initialed or stamped. No. 11 of 1897, s. 103.

**104.** The judge shall enter in a suitable book the number of the polling divisions and the particulars regarding the ballots examined as required by section 106 of this Ordinance; and shall then return the ballots to the ballot box from which they were taken; and shall securely lock and seal the same; and shall cause it to be returned to the custody of the sheriff of the judicial district in which the electoral district is situated. No. 11 of 1897, s. 104.

Particulars to be recorded  
Disposition of ballots and boxes after recount

**105.** He shall then proceed similarly with each of the other ballot boxes regarding which a recount has been demanded. No. 11 of 1897, s. 105.

Other ballot boxes

**106.** If the judge in making a recount of the votes cast in any polling division finds—

Judge may refuse to count votes cast at any polling place, and declare such poll invalid

- (a) A difference between the number of ballots counted and the number of votes cast; or
- (b) That one or more ballots have been defaced or improperly initialed; or
- (c) That one or more of the ballots counted have been cast by a person who had not the right to vote according to the provisions of this Ordinance as decided by the court of revision or by the returning officer or on appeal therefrom; or
- (d) Finds from the record contained in the poll book of the polling division or in the record book of the returning officer in respect of such polling division and on such evidence in respect thereof as may be received by him under oath that the conduct of the poll was not in accordance with the provisions of this Ordinance and was such as to prevent a full and fair vote of the voters of the polling division,

he may refuse to include the votes cast at the polling place of that polling division in his final statement and may declare the poll held in such polling division to be invalid. No. 11 of 1897, s. 106.

**107.** The judge may receive evidence upon oath regarding any of the matters mentioned in the preceding section and may in writing over his hand direct the clerk of the Supreme Court of the judicial district in which the recount is being held to issue subpoenas out of the said court for the attendance of such witnesses and the production of such papers as he may direct and at such time and place as he may direct; and such subpoenas shall be issued by such clerk according to such direction; and any such witness served with any such subpoena and upon being paid or tendered with the same fees and conduct money as are payable to a witness in a civil case pending in the said court who fails to obey the behests of such subpoena without reasonable excuse shall be deemed guilty of a contempt of the said court and shall be liable to be proceeded against in the same manner and with the same consequences

Evidence  
Subpoena witnesses

as provided in subsections (3) and (4) of section 92 hereof. No. 11 of 1897, s. 107.

**108.** If the judge decides that a poll held in any polling division was invalid as provided in section 106 of this Ordinance he shall forthwith notify the clerk of the Executive Council to that effect. No. 11 of 1897, s. 108.

**109.** Upon notice being received as above provided that the poll held in any polling division was invalid the clerk of the Executive Council shall forthwith order another poll or polls to be held in the said polling division on such day as he may appoint; and such poll or polls shall be held accordingly; but not less than seven days nor more than nine days shall elapse between the posting of the notices directed by section 23 of this Ordinance and the day of polling. No. 11 of 1897, s. 109.

**110.** The clerk of the Executive Council shall be the returning officer for the election to be held in such polling division and may subdivide the polling division into two or more polling divisions if he deems it necessary for the convenience of the electors to do so. No. 11 of 1897, s. 110.

**111.** The provisions of this Ordinance from the beginning of section 23 to the end of the Ordinance shall *mutatis mutandis* and in so far as they are applicable apply to a vote held in any polling division under the provisions of section 109 hereof. No. 11 of 1897, s. 111.

**112.** The costs of the recount and subsequent proceedings beyond the amount of the deposit required by section 99 of this Ordinance shall be charged to the general expenses of the election according to such regulation as to fees and otherwise as may be prescribed from time to time by the Lieutenant Governor in Council. No. 11 of 1897, s. 112.

**113.** The recount shall not be deemed to have closed and the statement provided for in section 114 of this Ordinance shall not be made until the election proceedings as provided in sections 109, 110 and 111 hereof have been completed. No. 11 of 1897, s. 113.

**114.** The judge shall prepare a statement showing—

- (a) The total number of ballots which the return of the returning officer and the records of the count of appealed ballots (if such has been held) showed should be counted in the several classes in which they are comprised;
- (b) The number of ballots actually counted by him;
- (c) The number rejected; and
- (d) The number counted for each candidate;



with a declaration of the election of the candidate receiving a majority of the votes cast which candidate shall forthwith be held to be duly elected; and such judge shall thereupon certify in writing to the clerk of the Executive Council and to the sheriff mentioned in section 89 hereof the name of the candidate declared elected by him on such recount; and upon such certificate being given such declaration shall be final and conclusive to all intents and purposes subject to the provisions of *The Controverted Elections Ordinance*. His certificate

(2) In case a candidate declared elected by the judge is other than the one declared elected by the returning officer no penalty or damages shall be incurred by the person at first declared elected by reason of any act done by him as duly elected representative of the electoral district. In case return altered no liability on person first returned

(3) The casting vote of the returning officer (if he has given one, shall not be counted by the judge in such recount unless there shall be a tie on the said recount in which case the casting vote of the returning officer shall be counted as having been cast for the candidate for whom it was cast the first time he cast it. In case of a tie

(4) If the returning officer has not given a casting vote and the recount of the judge results in a tie, the returning officer shall forthwith on the written request of the judge give a casting vote. No. 11 of 1897, s. 114. Casting vote if required

#### MISCELLANEOUS.

**115.** Whenever the judge usually exercising jurisdiction in the judicial district in which the election is held is disqualified by reason of relationship to any of the parties interested or from any other cause from acting either on an appeal or on a recount or is unable from sickness, absence, or any other cause to act on any appeal or recount, any other duly qualified judge of the Supreme Court may act in his stead. No. 11 of 1897, s. 115. Where judge is disqualified or unable to act

**116.** No candidate shall be permitted to resign after the close of the polling until the question as to which candidate has been elected has been finally determined by virtue of the provisions of this Ordinance. No. 11 of 1897, s. 116 (1). No candidate to resign pending proceedings

**117.** No person elected a member of the Legislative Assembly shall be permitted to resign his seat pending any proceedings against him under *The Controverted Elections Ordinance*. No. 11 of 1897, s. 116 (2). No candidate to resign pending election petition

**118.** When all proceedings in any way affecting the election are concluded, the sheriff to whom the ballot boxes, poll books, record books and statements made by voters were delivered under the provisions of section 89 hereof shall return such ballot boxes, poll books, record books and statements made by voters to the clerk of the Executive Council with a certificate that such proceedings are concluded; and such clerk shall Duty of sheriff when proceedings are ended

thereupon open the said ballot boxes and destroy the ballots therein with fire. No. 11 of 1897, s. 117, (1).

Notice of  
return to be  
published in  
*Gazette*

**119.** The clerk of the Executive Council (on receiving the return from the returning officer of the name of the candidate elected if no poll has been held or if a poll has been held on receiving from the sheriff the certificate mentioned in the last preceding section) shall as soon as he can conveniently do so give notice in the official gazette of the Territories of the name of the candidate elected and shall also give notice to the clerk of the Legislative Assembly. No. 11 of 1897, s. 117, (2).

#### FEES AND EXPENSES OF RETURNING OFFICERS, ETC.

Fees to-  
officers, etc.

**120.** Except as hereinafter provided the fees in tariff C in schedule 3 to this Ordinance mentioned in respect to the several matters therein contained and no others shall be allowed to the several officers and persons therein mentioned respectively, for the services and disbursements in the said schedule mentioned. No. 11 of 1897, s. 118.

To be paid  
by warrant

**121.** The said fees, allowances and disbursements, together with reasonable expenses incurred for services rendered under this Ordinance shall be paid over by warrant of the Lieutenant Governor directed to the Territorial Treasurer out of the general revenue fund of the Territories; and shall be distributed to the several officers and persons entitled to the same under the provisions of this Ordinance through the said Treasurer. No. 11 of 1897, s. 119.

Reasonable  
expenses for  
extraordinary  
services

**122.** Anything to the contrary in this Ordinance notwithstanding, the Lieutenant Governor may direct the payment by his warrant aforesaid out of the general revenue fund of such sums (over and above the allowance authorised by the two next preceding sections of this Ordinance) as may be required to pay the expenses reasonably incurred by any person for services rendered under this Ordinance and also reasonable fees and allowances for any extraordinary services rendered by any person thereunder. No. 11 of 1897, s. 120.

#### PENALTIES.

Acts  
prohibited

**123.** No person shall directly or indirectly by himself or by any other person on his behalf do or commit any of the following acts:

Give, etc.,  
consideration  
to induce  
voter to vote  
or refrain  
from voting

1. Give, lend or agree to give or lend or offer or promise any money or valuable security or promise to procure or endeavour to procure any money or valuable consideration to or for any voter or to or for any other person in order to induce any voter to vote or refrain from voting at any election;

Give place or  
employment  
to induce  
voter to vote

2. Give or procure or agree to give or procure or offer or promise any office, place or employment or promise to procure or to endeavour to procure any office, place or employment to

or for any voter or to or for any other person in order to induce any voter to vote or refrain from voting at any election ; or refrain from voting

3. Make any gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person as a member of the Legislative Assembly or the vote of any voter at any election ; Make gift, etc., in order to procure return of any person

4. Advance or pay or cause to be advanced or paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended for any of the purposes mentioned in the preceding parts of this section or knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended for any of the said purposes ; Advance, etc., money for above purposes

5. Make use of or threaten to make use of any force, violence or restraint or inflict or threaten the infliction by himself or by or through any other person of any injury, damage, harm or loss or in any manner practice intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election or by abduction, duress or any fraudulent device or contrivance impede, prevent or otherwise interfere with the free exercise of the franchise of any voter or thereby compel, induce or prevail upon any voter either to give or refrain from giving his vote at any election. Make use of force, etc., to induce voter to vote or refrain from voting

(2) Any person convicted of a breach of this section shall be liable to a penalty not exceeding \$200. No. 11 of 1897, s. 121 ; No. 4 of 1898, s. 22. Penalty

**124.** No candidate shall by himself or by or with any other person or by any other ways or means on his behalf at any time either before or during any election directly or indirectly give or provide or cause to be given or provided or be accessory to the giving or providing or pay wholly or in part any expense incurred for any meat, drink, refreshment or provision to or for any person in order to be elected or for being elected or for the purpose of influencing such person or any other person to give or refrain from giving his vote at such election ; and any such candidate convicted of contravening this section shall be liable to a penalty not exceeding \$200. No. 11 of 1897, s. 122. No candidate to pay, etc., for expenses incurred for meat, etc., in order to be elected

**125.** No candidate shall nor shall any person on his behalf hire, promise to pay or pay for any horse, team, carriage or other vehicle to convey any voter or voters to or from the poll or to or from the neighbourhood thereof at any election or pay or promise to pay the travelling or other expenses of any voter in going to or returning from any election ; and any person convicted of contravening this section shall be liable to a penalty not exceeding \$100. No. 11 of 1897, s. 123. No candidate to pay for horse hire

**126.** If any court, judge or other tribunal sitting or holding an inquiry under *The Controverted Elections Ordinance* reports Election shall be voided for

illegal acts of  
candidate to the clerk of the Executive Council that any candidate at an election has by himself or by his agent whether with or without the actual knowledge and consent of such candidate committed any act in contravention of sections 123, 124 or 125 of this Ordinance, the election of such candidate (if he has been elected) shall be an undue election and shall be void and shall be set aside and a new writ of election shall be issued to fill the vacancy so created unless such court, judge or other tribunal certifies that another candidate was duly elected at such election in the stead of the candidate whose election is so voided. No. 11. of 1897, s. 124.

Illegal acts  
by voter

**127.** No person shall before or during any election directly or indirectly himself or by any other person on his behalf do or commit any of the following acts:

Receive, etc.,  
consideration  
to vote or  
refrain from  
voting

1. Receive, agree, contract or ask for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any election;

Receive  
consideration  
for having  
voted

2. Receive or ask for any money or valuable consideration for having voted or refrained from voting or for having induced any other person to vote or refrain from voting at any election;

Hire horse to  
candidate or  
agent

3. Hire or offer for hire any horse, team, carriage or other vehicle to any candidate or to any agent of any candidate for the purpose of conveying any voter or voters to or from the polling place or to or from the neighborhood thereof:

Penalty

(2) Any person convicted of a breach of this section shall be liable to a penalty not exceeding \$200. No. 11 of 1897, s. 125; No. 4 of 1898, s. 23.

Failure of  
officials to  
carry out  
duty

**128.** Any person appointed as returning officer, election clerk, deputy returning officer or poll clerk, who fails to carry out any of the duties imposed upon him by this Ordinance or who contravenes any of its provisions shall be liable to a fine not exceeding \$500 and costs or to imprisonment for a term not exceeding one year or both.

Penalty

Improper use  
of stamp

(2) Any deputy returning officer or poll clerk or any other person who uses the stamp mentioned in section 48 of this Ordinance to mark any ballot paper other than the one handed to the voter by the deputy returning officer or poll clerk as provided in the said section 48 shall be subject to the penalty provided in the first part of this section; and in any proceedings taken hereunder proof that any ballot paper has been stamped other than as provided in the said section 48 shall be held to be *prima facie* evidence that such ballot paper was so stamped by the deputy returning officer or if the poll clerk was acting for the deputy returning officer then by such poll clerk.

Improper  
conduct  
of voter

(3) If any person fails to return to the deputy returning officer the ballot paper or each of the pencils handed to him by the deputy returning officer as provided in the said section 48 or hands to the deputy returning officer to be placed in the

ballot box any paper other than the ballot paper as provided in the said section or by any means places or causes to be placed in the ballot box any ballot paper other than as provided in the said section or by any means takes or causes to be taken from a ballot box any ballot paper except as directed under the provisions of this Ordinance or defaces or destroys any ballot paper after its having been initialled or stamped by the deputy returning officer except as provided in section 53 hereof shall be liable to the penalty provided in the first part of this section. No. 11 of 1897, s. 126. Penalty

**129.** Unless in this Ordinance otherwise provided any other person than those mentioned in the preceding section who contravenes any of the provisions of this Ordinance or attempts in any way to hinder its provisions from being carried out shall be liable to a fine not exceeding \$100 and costs or to imprisonment for a term not exceeding three months or both. No. 11 of 1897, s. 127. Improper conduct of other persons  
Penalty

**130.** If the number of ballots found in the ballot box of any polling division at the count by the deputy returning officer is not the same as the number shown by the poll book of that polling division to have been cast, the deputy returning officer and poll clerk shall each be liable to a fine of \$100 and costs or to imprisonment for a term not exceeding three months or both: Discrepancy in number of ballots  
Penalty

Provided however if during the trial of the complaint it can be shown that the discrepancy was caused by some person or persons other than the deputy returning officer or poll clerk they may be relieved from the aforesaid penalty. No. 11 of 1897, s. 128. Proviso

**131.** Any person who attempts to violate the secrecy of the ballot by marking a ballot in a peculiar manner or by showing it to any one after its being marked or instigating any voter to peculiarly mark or to show his marked ballot shall be liable to a fine not exceeding \$100 and costs or to imprisonment for a term not exceeding three months or both. No. 11 of 1897, s. 129. Violation of secrecy of ballot  
Penalty

**132.** Everyone who at an election of a member of the Legislative Assembly does any of the following acts that is to say— Voting more than once

- (a) Applies to vote in the name of some other person whether such name is that of a person living or dead or of a fictitious person; or Personation
- (b) Having voted once at any such election applies to vote at the same election in his own name,

is guilty of an offence and liable to a penalty not exceeding \$100. No. 4 of 1898, s. 24.

**133.** Penalties under this Ordinance may be recovered on summary conviction before two justices of the peace. No. 11 of 1897, s. 131. Recovery of penalties

Schedule No. 1 **134.** The provisions of schedule 1 hereto shall be read as part of this Ordinance. No. 11 of 1897, s. 132.

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## SCHEDULE 1.

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### BALLOT PAPER.

1. The ballot paper used at all elections under the provisions of this Ordinance shall be of white color, of good cardboard, measuring an inch by two inches, having a crease cut half way through the cardboard midway between the two ends on the side which shall be used as the back of the ballot paper; and on the front of the ballot paper at one end and on one side mucilage shall be placed so that when the mucilage is wetted and the ballot paper folded according to the crease appearing on the back the mucilage will cause it to remain folded.

### BALLOT BOX.

2. The ballot box shall be of metal or wood, and shall be a cube of not less than six inches on the outside, except that the lid may project half-an-inch over the box on the side at which it is locked.

**METAL.**—If the ballot box is made of metal, the four sides and bottom shall be joined together by a folded joint so as to be perfectly water-tight. The lid shall be fastened to the box at one of the sides by a hinge or hinges, which shall be securely rivetted and soldered or brazed to both the lid and the box. On the outside of the box opposite the hinges shall be fastened a metal staple in such a manner that it can only be removed by cutting it off or by cutting away part of the box. On the same side of the lid shall be two corresponding staples fastened as above provided so that when the box is closed the hook of a padlock may pass through all three of the staples, so as to hold the lid of the box tightly and securely closed.

**WOOD.**—If the ballot box is made of wood, the sides shall be fastened together with rivets and the hinges shall be fastened on with the same, so that the sides cannot be taken apart or the hinges taken off without cutting the rivets or cutting away the wood of the box. The staples necessary to securely fasten the lid of the box, as provided in the case of metal ballot boxes, shall be rivetted in their places so that they cannot be removed without cutting the rivets or cutting away the wood of the box.

**OPENING.**—There shall be an opening in the lid of the ballot box one and one-quarter inches in length by one quarter of an inch in width, through which opening the ballots shall be placed in the box, and there shall be no other opening in the material of which the box is composed when the lid is closed.

There shall be provided a piece of cork or wood to completely fill the opening and sealing wax to securely seal over the opening as soon as the poll has been closed.

**PADLOCK.**—There shall be a padlock provided for each ballot box used at the election, and each padlock shall differ from every other one used at that election, so that the key used for one lock will not open any other lock used on a ballot box at that election; and only one key for each padlock shall be forwarded to any returning officer.

**NAMES.**—The name of the electoral district and the name and number of the polling division at which the ballot box is used shall be plainly painted or otherwise securely marked on it, so that it may be easily distinguished from the ballot box of any other polling place.

#### ENVELOPES.

3. The envelopes required for the purpose of enclosing disputed ballots shall be of paper sufficiently tough so that in writing upon the said envelopes the particulars required by this Ordinance the pen or pencil used may not penetrate or tear the paper. The envelopes shall be made with one end open and with a flap at that end upon which there shall be mucilage, so that by wetting the mucilage and folding the flap over, as with an ordinary envelope, the envelope will remain closed.

#### PENCILS.

4. The pencils used under the provisions of sections 26 to 53 inclusive of this Ordinance shall be of colour as follows in each electoral district:—If there are two candidates the colours shall be blue and red, if three black shall be added, if four green shall be added, if five pink shall be added, if six yellow shall be added; and if there are more than six, such additional colours of pencils shall be provided as the Lieutenant Governor may direct.

The handle of each pencil shall be of wood and shall not be less than six inches in length and of sufficient thickness to enable the name of any candidate to be placed upon one side in characters not less than three-eighths of an inch in depth. The wood of the pencil shall be painted the same colour as that of the marking material it contains, which shall be inserted securely into the handle so that it cannot be removed without cutting or breaking away the wood.

#### STAMPS.

5. The stamp used under the provisions of sections 26 and 48 of this Ordinance shall be made of rubber or other similar material, and shall be of a design differing in form for each general election. The stamp shall be forwarded to each returning officer in a separate packet securely fastened and sealed so that it will be impossible to discover the design of the stamp without breaking the seal on the packet. No. 11 of 1897, Schedule 1; No. 4 of 1898, ss. 25-26; No. 4 of 1898, s. 13,

## SCHEDULE 2.

## FORM A.

*Writ of Election. (Sec. 4.)*

To \_\_\_\_\_ of \_\_\_\_\_ in  
the Electoral District of \_\_\_\_\_ in the North-West  
Territories :

Whereas His Honour the Lieutenant Governor of the North-West Territories has seen fit under and by virtue of the provisions of *The Territories Elections Ordinance* to order the issue of a Writ of Election for the said Electoral District of \_\_\_\_\_ addressed to you, whom he has been pleased to select to perform the duties of Returning Officer ;

You are therefore commanded that you do cause election to be made, according to law, of a member to serve in the Legislative Assembly of the North-West Territories for the said Electoral District of \_\_\_\_\_ ; that you do cause the nomination of candidates at such election to be held at \_\_\_\_\_ in the said Electoral District on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ next ; and that you do cause the name of such member, when so elected, to be certified to me.

Given under my hand at Regina in the said North-West Territories this \_\_\_\_\_ day of \_\_\_\_\_, 1 \_\_\_\_\_

.....  
*Clerk of the Executive Council.*

## INDORSEMENT.

Received the within writ on the \_\_\_\_\_ day of \_\_\_\_\_  
1

*A.B.,*  
*Returning Officer.*

## FORM B.

*Oath of Returning Officer. (Sec 5.)*

I, the undersigned *A.B.*, Returning Officer for the Electoral District of \_\_\_\_\_, solemnly swear (*or if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm*) that I am legally qualified according to law to act as Returning Officer for the said Electoral District of \_\_\_\_\_, and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

*A.B.,*  
*Returning Officer.*

Sworn (*or affirmed*) before me  
at \_\_\_\_\_ in the North-  
West Territories this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. 1 \_\_\_\_\_

(*Signature of officer administering oath.*)



*Certificate of Returning Officer having taken Oath of Office.*  
(Sec. 5.)

I, the undersigned, hereby certify that on the                      day of the month of                      1                      , A.B., the Returning Officer for the Electoral District of                      , took and subscribed before me the oath (or affirmation) of office in such case required of a Returning Officer by section 5 of *The Territories Elections Ordinance*.

In testimony whereof I have delivered to him this certificate.

(Signature of officer administering oath)

---

FORM C.

*Commission of an Election Clerk. (Sec. 6)*

To *E.F.* (set forth his legal addition and residence).

Know you that in my capacity of Returning Officer for the Electoral District of                      I have appointed and do hereby appoint you to be my election clerk, to act in that capacity according to law, at the approaching Election for the said Electoral District of                      , which election will be opened by me on the                      day of the month of                      1                      .

Given under my hand this                      day of                      in the year 1                      .

A. B.,  
Returning Officer.

---

FORM D.

*Oath of Election Clerk. (Sec. 8.)*

I, the undersigned, *E. F.*, appointed Election Clerk for the Electoral District of                      , solemnly swear (or if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my said capacity as Election Clerk, and also in that of Returning Officer if required to act as such according to law, without partiality, fear, favour or affection. So help me God.

E. F.,  
Election Clerk.

Sworn (or affirmed) before me  
at                      in the North-  
West Territories this                      day  
of                      A.D. 1                      .

(Signature of officer administering oath.)

*Certificate of Election Clerk having taken the oath of office.*  
(Sec. 8.)

I, the undersigned, hereby certify that on the  
day of \_\_\_\_\_, 1\_\_\_\_, *E. F.*, Election Clerk for the Electoral  
District of \_\_\_\_\_, took and subscribed before me  
the oath (*or affirmation*) of office required in such case, of an  
Election Clerk by section 8 of *The Territories Elections Ordinance*.

In testimony whereof I have delivered to him this certificate  
under my hand.

*A.B.*,  
*Returning Officer.*  
*or signature of other officer administering oath.*

---

FORM E.

*Proclamation of Returning Officer. (Sec. 12.)*

PROCLAMATION.

Electoral District of \_\_\_\_\_

to wit:

Public Notice is hereby given to the Electors of the Electoral  
District aforesaid, that in obedience to a Writ of Election to me  
directed and bearing date the \_\_\_\_\_ day of \_\_\_\_\_  
1\_\_\_\_, I require the presence of the said  
electors at (*here describe with reasonable certainty the building or place where nomination is to take place*) in the  
of \_\_\_\_\_, in said Electoral District, on the  
day of the month of \_\_\_\_\_ 1\_\_\_\_,  
from eleven o'clock in the forenoon until twelve o'clock noon,  
for the purpose of nominating a person to represent them in the  
Legislative Assembly of the North-West Territories; and that  
in case more than one candidate remains in nomination the poll  
will be opened and held on the \_\_\_\_\_ day of  
the month of \_\_\_\_\_ 1\_\_\_\_, from the hour of nine  
o'clock in the forenoon until the hour of five o'clock in the after-  
noon in each of the following polling divisions, that is to say:

For the polling division No. 1 consisting of (*or bounded as follows, or otherwise describing it clearly*) at  
(*clearly describing the polling station.*)

(*And so continuing for all the other polling divisions in the Electoral District;*

Of which all persons are hereby required to take notice and  
govern themselves accordingly.

*A.B.*  
*Returning Officer.*

## FORM F.

*Nomination Paper. (Sec. 15.)*

We, the undersigned electors of the Electoral District of \_\_\_\_\_ hereby nominate (*name, residence and addition of the person nominated and present location if absent from the Electoral District*) as a candidate at the election now about to be held of a member to represent the said Electoral District in the Legislative Assembly of the North-West Territories. (*If the person nominated is absent from the Electoral District it must be stated here.*)

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ 1  
(*Signature with residence and additions.*)

Signed by the above subscribing electors before me

*A.B.,*

Justice of the Peace, Commissioner for taking affidavits, Notary Public or Returning Officer, *as the case may be.*

I, the said *C.D.*, nominated in the foregoing nomination paper, hereby consent to such nomination.

|                                       |   |                           |
|---------------------------------------|---|---------------------------|
| Signed in the presence of             | } | <i>Name of candidate.</i> |
| <i>Name of witness to candidate's</i> |   |                           |
| <i>signature.</i> <i>E.F.</i>         |   |                           |

## FORM G.

*Information to Electors. (Secs. 24, 28, 33.)*

The persons qualified to vote are male British subjects by birth or naturalisation (other than unenfranchised Indians) who have attained the full age of twenty-one years and who have resided in the North-West Territories for at least the twelve months and in the Electoral District for at least the three months, respectively, immediately preceding the time of voting.

An elector can vote only at the polling place for the polling division in which he resides.

The voter is to vote only for one candidate.

The voter after receiving his ballot paper and the pencils provided for marking the said ballot paper from the deputy returning officer will go into the inner room of the polling place, select from the pencils provided the one of the colour representing the candidate for whom he desires to vote and bearing his name, and with such pencil shall make a mark in the form of an **X** on the blank face of the ballot paper.

The voter will then fold the ballot paper at the crease thereon so that the mark made by him will be folded inwards. He will then moisten the gum or mucilage on the ballot paper and press the gummed end to the end against which it is folded,

causing it to adhere thereto. The voter will then deliver the ballot paper with the aforesaid pencils to the deputy returning officer who will place the paper in the ballot box. The voter will then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper he may return it to the proper officer who, on being satisfied of the fact, will give him another.

If a voter votes for more candidates than he is entitled to vote for or more than once for any candidate his vote will be void and cannot be counted, and he shall be liable to a fine of \$100.

Any voter who attempts to violate the secrecy of the ballot by marking his ballot paper in a peculiar manner, or by showing it to any person after marking it, and any person who instigates any voter so to mark his ballot or to show such ballot after being marked shall be liable to a fine of \$100.

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### FORM H.

#### *Oath of Deputy Returning Officer. (Sec 25.)*

I, the undersigned *G.H.*, appointed Deputy Returning Officer for the polling division No. \_\_\_\_\_ of the Electoral District of \_\_\_\_\_, solemnly swear (or, *being one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I will act faithfully in my said capacity of Deputy Returning Officer without partiality, fear, favour or affection. So help me God.

*G.H.,*  
*Deputy Returning Officer.*

Sworn before me, etc.  
(*Signature of officer administering oath.*)

---

#### *Certificate of a Deputy Returning Officer having taken the Oath of Office. (Sec. 25.)*

I, the undersigned, hereby certify that on the \_\_\_\_\_ day of the month of \_\_\_\_\_, *G.H.*, Deputy Returning Officer for the polling division No. \_\_\_\_\_ of the Electoral District of \_\_\_\_\_, took and subscribed the oath (or affirmation) of office required in such cases of a Deputy Returning Officer by section 25 of *The Territories Elections Ordinance*. In testimony whereof I have delivered to him this certificate under my hand.

(*Signature of officer administering oath.*)

## FORM I.

*Oath of Poll Clerk. (Sec. 27.)*

I, the undersigned, *I.J.*, appointed Poll Clerk for the polling division No. \_\_\_\_\_, of the Electoral District of \_\_\_\_\_,

do solemnly swear (or, *if he is one of the persons permitted by law to affirm in civil cases*, do solemnly affirm) that I will act faithfully in my capacity of Poll Clerk, and also in that of Deputy Returning Officer if required to act as such according to law, without partiality, fear, favour or affection. So help me God.

*I.J.*,  
Poll Clerk.

Sworn before me, etc.  
(*Signature of officer administering oath.*)

---

*Certificate of the Poll Clerk having taken the Oath.*  
(*Sec. 27.*)

I, the undersigned, hereby certify that on the \_\_\_\_\_ day of the month of \_\_\_\_\_, *I.J.*, Poll Clerk for the polling division No. \_\_\_\_\_ of the Electoral District of \_\_\_\_\_ took and subscribed before me the oath (or affirmation) of office required of a Poll Clerk in such cases by section 27 of *The Territories Elections Ordinance*. In testimony whereof I have delivered to him this certificate under my hand.

(*Signature of officer administering oath.*)

..... A.D. 1. ....

*C.D., Deputy Returning Officer.*

| Remarks at opening of Poll. | Remarks as to conduct of poll, examination of inner room, &c. |
|-----------------------------|---|
|                             |   |

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## FORM K.

(Secs. 41, 42, 50, 52.)

## No. 1.

*Statement of Voter.*

I, \_\_\_\_\_, do hereby state that I am a male British subject by birth or naturalisation; that I am not an unenfranchised Indian; that I am of the full age of twenty-one years; that I have resided in the North-West Territories for at least the twelve months and in this Electoral District for at least the three months immediately preceding the present time; that I am a resident of this polling division and that I have not voted at this election either at this or any other polling place.

## No. 2.

*Statement of Voter.*

I, \_\_\_\_\_, do hereby state that I have not received anything nor has anything been promised me, nor have I asked for anything directly or indirectly, either to induce me to vote at this election, or for loss of time, travelling expenses, hire of team or for any other service connected therewith, and that in the casting of my vote at this election I am not impelled or influenced by fear or by expectation of favour.

## No. 3.

*Statement of Deputy Returning Officer, Poll Clerk, Candidate, Agent, etc.*

I, A.B., hereby state that I am a male British subject by birth or naturalisation; that I am not an unenfranchised Indian; that I am of the full age of twenty-one years; that I have resided in the North-West Territories for at least the twelve months and in this Electoral District for at least the three months immediately preceding the present time; that I am now residing in polling division number \_\_\_\_\_ of this Electoral District; that I have not voted at this election either at this or at any other polling place; and that I am a candidate at this election (or that I am acting as Deputy Returning Officer or Poll Clerk or Agent or Scrutineer for \_\_\_\_\_ as the case may be, at this polling station.)

## FORM L.

*Interpreter's Oath. (Sec. 47.)*

I, \_\_\_\_\_ do solemnly swear, (or, if he is one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that I will well, truly and faithfully interpret all such instructions and information necessary to enable any voter to cast his vote at this election as I may be directed by the Deputy Returning Officer to communicate to such voter, and that I will not say or communicate anything to any such

voter to induce him to vote for, or to refrain from voting for any particular candidate. So help me God.

A.B.

Sworn before me, etc.

(*Signature of Deputy Returning Officer.*)

### FORM M.

*Notice to Appear. (Sec. 49.)*

To

Take notice that you are hereby required to appear at (*here describe with reasonable certainty the building or place fixed for sittings of the Court of Revision*) on the day of 1, at the hour of o'clock noon, before me and such Justice of the Peace as shall then be sitting with me, to answer to a charge of having voted contrary to the provisions of *The Territories Elections Ordinance*.

Dated this day of 1.

A.B.,

*Deputy Returning Officer.*

### FORM N.

*Summons to a Witness. (Sec. 61.)*

To A.B.,

You are hereby commanded to appear before us at (*here describe with reasonable certainty the building or place fixed for sittings of the Court of Revision*) in polling division Number of the Electoral District of on the day of 1, at the hour of o'clock noon, and so on from day to day until the charge hereinafter mentioned is tried or otherwise disposed of, to testify and give evidence upon the hearing before us of a charge preferred against one C.D., of having voted contrary to the provisions of *The Territories Elections Ordinance*.

And you are hereby further commanded to bring with you and produce at the time and place aforesaid all papers and articles in your possession or power in any way relating to said charge or to any matter connected therewith.

Witness our hand (*or my hand*) this day of 1

.....  
*Deputy Returning Officer.*

.....  
*Justice of the Peace.*

(*This Summons may be issued by the Deputy Returning Officer or by the Justice of the Peace or by both.*)



## SCHEDULE 3.

## TARIFF A.

*Witness Fees.**(Sections 61, 70.)*

For every day necessarily absent from residence in going to, staying at and returning from hearing—

|  |         |
|--|---------|
| When residence is within 4 miles of place.....                       | \$ 1 00 |
| When over 4 miles.....   | 2 00    |
| For every mile necessarily travelled other than by railway . . . . . | 10      |
| When railway used: actual fare paid.                                 |         |

## TARIFF B.

*Schedule of Costs to be allowed upon Inquiry before Judge of Supreme Court. (Secs. 92, 94.)*

|  |         |
|--|---------|
| To the Clerk of the Court for receiving, filing and entering each appeal and attending Judge with notification and on hearing of appeal and judgment . . . . . | \$ 2 00 |
| To the Clerk for issuing each Summons, Subpoena or Notice . . . . .  | 50      |
| To the Clerk, all necessary postage.   |         |
| To the Clerk, taxing each bill of costs actually taxed   | 50      |
| To Witnesses, the same fees as are allowed in civil cases.   |         |
| To the Advocate for the party succeeding on each appeal.....   | 2 00    |
| To be increased in the discretion of the Judge to an amount not exceeding \$15.00.   |         |

## TARIFF C.

*Fees for election services.**(Sec. 120.)*

|   |         |
|---|---------|
| Returning Officer, where no poll is held.....   | \$20 00 |
| Election Clerk, where no poll is held.....  | 5 00    |
| Returning Officer, where poll is held. . . . .  | 75 00   |
| Election Clerk, where poll is held.....   | 20 00   |
| Deputy Returning Officer . . . . .  | 5 00    |
| Poll Clerk.....   | 3 00    |
| Interpreter.....  | 2 00    |
| (If employed in less than eight cases, twenty-five cents for each case.)                  |         |
| Deputy Returning Officer and Justice of the Peace sitting as Court of Revision, each..... | 5 00    |
| Each officer for every mile necessarily travelled in the discharge of his duties.....     | 15      |
| Rent of house for nomination.. . . .  | 4 00    |
| Rent of house for polling station.....  | 4 00    |
| Rent of house for Court of Revision.....  | 4 00    |
| Rent of house for count by Returning Officer.....   | 4 00    |

## CHAPTER 4.

### An Ordinance Respecting Controverted Elections.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Controverted Elections Ordinance.*" No. 12 of 1897, s. 1.

#### INTERPRETATION.

Interpretation      **2.** In this Ordinance unless the context otherwise requires :  
"Judge "      1. The expression "the judge" shall mean the judge of the Supreme Court of the North-West Territories usually exercising jurisdiction in the judicial district in which a petition is filed as hereinafter provided : but any other judge of the said court may (if for any cause it is deemed expedient or necessary that he should act) perform any of the duties or exercise any of the functions herein prescribed for the judge ;  
"Clerk "      2. The expression "the clerk" shall mean the clerk of the said court for the said judicial district. No. 12 of 1897, s. 2.

#### PETITIONS.

Time for election petition      **3.** At any time within one month after the publication by the clerk of the Executive Council of the notice prescribed by section 119 of *The Territories Elections Ordinance* any defeated candidate or any duly qualified elector of the electoral district in which the election was held may petition against the undue return or undue election of any candidate at such election. No. 12 of 1897, s. 3.

Form of petition      **4.** Such petition may be in form A in the schedule hereto ; and shall within the time prescribed by the last preceding section be filed in the office of the clerk of the Supreme Court of the North-West Territories for the judicial district in which such electoral district or the largest part thereof is situated, and shall contain the following statements :

Filing      (a) The right of the petitioner to petition ;  
(b) The holding and result of the election in general terms ;  
(c) In a brief form the facts and grounds relied on to sanction the prayer ;

and such petition shall conclude with a prayer that the election may be declared void and set aside, and it also may contain a prayer that some other candidate at the election than the one certified to be elected was duly elected. No. 12 of 1897, s. 4.

## SECURITY FOR COSTS.

5. The petitioner shall at the time he files such petition deposit with the said clerk the sum of \$500 in current bank notes of the Dominion of Canada or other current money as security for the respondent's costs of and incidental to the said petition and the proceedings thereunder. No. 12 of 1897, s. 5.

Petitioner to give security for costs

## SERVICE OF PETITION.

6. A copy of such petition shall be served on the candidate against whom such petition is filed (herein called the respondent) within twenty days after the same is so filed; and such service may be effected in the way that service of a writ of summons in an ordinary civil action in the said court is effected. No. 12 of 1897, s. 6.

Respondent to be served with copy of petition

7. Upon the judge being satisfied by affidavit either before or after the time hereinbefore limited for the service of a copy of the petition that every reasonable effort has been made to effect such service and that such service has not been effected, he may *ex parte* extend the time for effecting such service for a period not exceeding ten days and so from time to time until such service has been effected; or the judge may in such case make an *ex parte* order for substitutional service of such petition in such manner as he may direct. No. 12 of 1897, s. 7.

Extension of time for service  
Substitutional service

## ADDRESS FOR SERVICE.

8. The petitioner shall indorse on the petition filed with the clerk and on the copy thereof served on the respondent an address for service (which shall not be more than three miles from such clerk's office) at which all summonses, notices, demands and other papers in the proceedings may be served on him; and in default of so doing such summonses, notices, demands and other papers in the proceedings may be served on him by being filed with the clerk. No. 12 of 1897, s. 8.

Petitioner to indorse address for service on petition

9. The respondent shall within ten days after being served with a copy of the petition as hereinbefore provided file with the clerk a notice in writing specifying an address for service not more than three miles from such clerk's office at which all summonses, notices, demands and other papers in the proceedings may be served on him; and in default of so doing such summonses, notices, demands or other papers may be served on him by being filed with the clerk. No. 12 of 1897, s. 9.

Respondent to file notice of address for service

## PRELIMINARY OBJECTIONS.

10. The respondent may at any time within twenty days after the service upon him of the petition apply to the judge to set such petition aside and have it removed from the files of the court on any of the following grounds:

Respondent may apply to have petition set aside

(a) That the petitioner is not qualified to file a petition;

- (b) That the petition was not filed within the prescribed time;
- (c) That the deposit has not been made as provided in section 5 hereof;
- (d) That the petition does not on its face disclose sufficient grounds or facts to have the election set aside or declared void;
- (e) That service of a copy of such petition has not been made on him as herein prescribed;

and the judge may (if satisfied that the application is well founded) order the petition to be set aside and removed from the files of the court with or without costs as he may direct; or (if not so satisfied) may dismiss the application with or without costs as aforesaid. No. 12 of 1897, s. 10.

#### PARTICULARS.

Respondent  
may apply for  
further  
particulars

**11.** Evidence need not be stated in the petition but the respondent may at any time within twenty days after service upon him of the petition (unless he makes an application under the last preceding section, and if he does then within five days after such application is disposed of if it is refused or dismissed) apply to the judge for particulars or for further and better particulars of the facts and grounds relied on to sustain the prayer of the petition; and the judge may order such particulars as may be necessary to prevent surprise and to ensure a fair and effectual trial; and may prescribe the time within which such particulars shall be delivered; and may in such order direct that in case such particulars are not delivered as prescribed the petitioner shall not be at liberty to give any evidence at the trial with respect to facts and grounds of which particulars are ordered and not delivered. No. 12 of 1897, s. 11.

#### PETITION CLAIMING SEAT; OBJECTIONS.

Respondent  
may file  
statement of  
objections if  
seat claimed  
for other than  
returned  
candidate

**12.** If the petitioner claims the seat for any other candidate than the one certified to be elected the respondent may within twenty days after service upon him of the petition (unless he applies to set aside the petition under section 10 hereof, and if he does then within ten days after such application is disposed of if it is refused or dismissed) file with the clerk a statement in form B in the schedule hereto, claiming that the seat ought not to be awarded to the candidate for whom it is so claimed because:

- (a) He is not qualified to be elected a member of the Legislative Assembly of the Territories;
- (b) He at the election in question was guilty of some act or acts in contravention of sections 123, 124 or 125 of *The Territories Elections Ordinance*;

and serve a copy of such statement on the petitioner. No. 12 of 1897, s. 12.

## SETTING ASIDE OBJECTIONS.

**13.** The petitioner within ten days after service upon him of the said statement may apply to the judge to set such statement aside and have it removed from the files of the court on any of the following grounds : Petitioner may apply to have statement of objections set aside

- (a) That it was not filed within the prescribed time ;
- (b) That it was not served on him as herein prescribed ;
- (c) That it does not on its face disclose sufficient grounds to have the election declared void as against the candidate for whom the seat is claimed ;
- (d) That the petition does not claim the seat for any other candidate ;

or if the statement is not served on the petitioner as herein directed he may apply at any time to have it set aside and removed from the files of the court ; and the judge may (if satisfied that any application under this section is well founded) order such statement to be set aside and removed from the files of the court with or without costs as he may direct ; and if not so satisfied he shall dismiss the application with or without costs as he may direct. No. 12 of 1897, s. 13.

## EVIDENCE ; PARTICULARS.

**14.** Evidence need not be stated in such statement but the petitioner may at any time within ten days after service upon him of the said statement (unless he makes an application under section 13 hereof to set the statement aside, and if he does then within five days after such application is disposed of if it is refused or dismissed) apply to the judge for particulars or for further and better particulars of the facts and grounds relied on for the claim that the seat ought not to be awarded to the candidate for whom it is claimed in the petition ; and the judge may order such particulars as may be necessary to prevent surprise and to ensure a fair and effectual trial in the same manner and with the same consequence as prescribed in section 11 hereof. No. 12 of 1897, s. 14. Petitioner may apply for further particulars

## PETITIONS AT ISSUE.

**15.** If the said petition is not ordered to be set aside and taken off the files of the court the same shall be deemed to be at issue when all other orders (upon applications hereinbefore authorised to be made) by the judge have been made whether granting or refusing such applications or when the time for making such applications has expired if no such applications have been made. No. 12 of 1897, s. 15. Petition when at issue

**16.** At any time after the said petition is at issue the petitioner may apply to the judge to appoint a time and place for the trial of the petition ; and the judge (on being certified that the petition is at issue) shall appoint a time and place for such trial. No. 12 of 1897, s. 16. Application of petitioner for time and place of trial

Application of  
respondent for  
dismissal of  
petition

**17.** If the petitioner does not within one month after the petition is at issue apply to the judge to appoint a time and place for the trial of the petition the respondent may apply to the judge to dismiss the petition; and the judge may thereupon at the return of the summons (if the application is properly made) either dismiss the petition with costs or appoint a time and place for the trial of the petition. No. 12 of 1897, s. 17.

#### GENERAL.

Petition and  
proceedings  
thereunder  
deemed cause  
in court

**18.** The said petition and all proceedings thereunder shall be deemed to be a cause in the court in which the said petition is filed, and all the provisions of *The Judicature Ordinance* in so far as they are applicable and not inconsistent with the provisions of this Ordinance shall be applicable to such petition and proceedings; and the tariff of costs for clerks, sheriffs, advocates and interpreters (whether prescribed by *The Judicature Ordinance* or under its authority) shall be applicable to such proceedings. No. 12 of 1897, s. 18.

Applications  
to judge in  
chambers

**19.** Applications to the judge shall be made in chambers and unless authorised to be made *ex parte* shall be made by summons. No. 12 of 1897, s. 19.

#### TRIAL.

Trial

**20.** The judge shall attend at the time and place appointed for the trial and try the matters of the said petition and arising thereout; and such place of trial shall be an open court at which the usual officers of the court shall attend and perform their respective duties as in the case of any other trial in the said court; and such trial may be adjourned from day to day or for such further time as the judge may direct. No. 12 of 1897, s. 20.

#### JUDGE'S REPORT.

Judge to  
report to clerk  
of Executive  
Council

**21.** If the judge on such trial finds that the respondent was unduly returned or elected a member of the Legislative Assembly by reason of any of the matters alleged in the petition he shall forthwith after the expiration of fourteen days from delivering his judgment (unless his judgment is appealed and application is made for a stay as hereinafter provided) report such finding to the clerk of the Executive Council; and shall certify in such report for what cause he finds that the respondent was unduly returned or elected; and if the seat is by the petition claimed for another candidate than the respondent and the judge finds at such trial that such other candidate is entitled to the seat, he shall so certify in the said report to the said clerk of the Executive Council and thereupon such other candidate shall be entitled to the seat in the place and stead of the respondent; but the judge shall not so find or certify that such other candidate is entitled to the seat under any circumstances if he finds that he is not qualified by law to be a member of such Assembly or that at the election in question he

was guilty of any acts in contravention of sections 123, 124 or 125 of *The Territories Elections Ordinance*, provided that such want of qualification or acts (as the case may be) have been charged against such candidate in a statement filed under the provisions of section 12 hereof.

(2) If the judge does not in such report certify that another candidate is entitled to the seat the election shall be void and set aside and a writ of election shall be issued to fill the vacancy so created. No. 12 of 1897, s. 21.

**22.** If the judge at the trial finds that the matters set forth in the petition are not proved to his satisfaction he shall dismiss the petition. No. 12 of 1897, s. 22. Dismissal of petition

#### WITHDRAWAL OF PETITIONS.

**23.** The petitioner may at any time withdraw his petition by filing with the clerk a statement in writing that he so withdraws it and serving the respondent with a notice of such withdrawal; and in such case the judge shall on application order the petitioner to pay the respondent's costs of and incidental to the petition and the proceedings thereunder. No. 12 of 1897, s. 23. Withdrawal of petition

**24.** The respondent may at any time withdraw any statement filed by him under section 12 hereof by filing with the clerk a statement that he so withdraws it and serving the petitioner with a notice of such withdrawal; and in such case the judge shall on application order the respondent to pay the petitioner's costs of and incidental to such statement. No. 12 of 1897, s. 24. Withdrawal of statement by respondent

#### ADMISSION OF UNDUE ELECTION.

**25.** Unless the seat is claimed for a candidate other than the respondent, the respondent may at any time admit that he was unduly returned or elected by filing with the clerk a statement in writing admitting such fact and serving the petitioner with a notice that such statement has been filed; whereupon the judge shall on application order the respondent to pay to the petitioner his costs of and incidental to the petition; and shall report to the clerk of the Executive Council that the respondent has admitted that he was unduly returned or elected; whereupon the election shall be void and set aside and a writ of election shall be issued to fill the vacancy so created. No. 12 of 1897, s. 25. Admission of undue election filed by respondent, election declared void

#### COSTS.

**26.** Except when otherwise provided the costs of the petition and all matters incidental thereto and arising thereout shall be in the discretion of the judge. No. 12 of 1897, s. 26. Costs in discretion of judge

**27.** If the judge at any time orders costs to be paid by the petitioner, he may (when the petition and all matters arising thereout have been finally determined and disposed of) order Judge may order costs to be paid out of security deposited

such costs to be paid out of the moneys deposited by the petitioner on filing the petition ; but nothing in this section shall be construed as preventing the respondent from proceeding at any time to recover any costs that may have been awarded to him according to the ordinary practice of the court. No. 12 of 1897, s. 27.

#### APPEAL.

Appeal to  
Supreme  
Court *en banc*

**28.** An appeal shall lie to the Supreme Court of the Territories sitting *en banc* from any order or determination of the judge ; and such appeal shall be had and taken and all proceedings relating thereto shall be had and taken and the Supreme Court *en banc* shall deal with such appeal in the same manner as appeals and the proceedings thereunder are had, taken and dealt with under *The Judicature Ordinance*. No. 12 of 1897, s. 28.

Interlocutory  
appeals

**29.** If such appeal is from an order or determination other than any finding or determination under sections 21 or 22 hereof it shall not operate as a stay of proceedings unless so ordered by the judge ; and the judge may for reasonable cause at any time set aside any stay of proceedings he may so order. No. 12 of 1897, s. 29.

Stay of  
proceedings

Stay of  
proceedings  
on appeal from  
final judgment

**30.** If such appeal is from any finding or determination under section 21 hereof the appellant shall (before the expiration of the fourteen days mentioned in that section) apply *ex parte* to the judge for a stay of proceedings ; and the judge on being satisfied that notice of the appeal has been duly given shall make an order staying proceedings and shall not forward his report as provided in section 21 until the appeal is finally determined.

Application to  
remove stay  
for delay

(2) The other party may apply to the judge at any time before the appeal is lodged with the registrar of the Supreme Court to have such stay set aside and the appeal quashed on the ground that the appeal is not being prosecuted with sufficient dispatch ; and the judge may if satisfied that there has been undue delay in prosecuting such appeal set aside the stay of proceedings and quash the appeal and in that case shall forthwith forward his report to the clerk of the Executive Council as provided in section 21.

(3) No order shall be made as provided in the preceding subsection if at the time of the application the appeal has been lodged with the said registrar. No. 12 of 1897, s. 30.

Hearing and  
adjudication  
of appeals

**31.** When any appeal to the Supreme Court *en banc* is duly lodged with the registrar it shall be proceeded and dealt with according to the practice of such court in appeals in civil causes ; and the adjudication and finding of such court on such appeal shall be duly certified by the registrar to the judge appealed from ; and if the appeal is from any finding or determination of the judge under section 21 and such finding or determination is affirmed in whole or in part, the judge shall



forthwith forward his report to the clerk of the Executive Council as provided in section 21 and as varied or modified by the order of the court *en banc* if so varied or modified. No. 12 of 1897, s. 31. Report to clerk of Executive Council

#### BALLOTS NOT TO BE COUNTED.

**32.** Nothing in this Ordinance contained shall be construed to authorise the judge to count or recount the ballots cast at any election but the count of such ballots and the recount (if any) under *The Territories Elections Ordinance* shall be considered conclusive. No. 12 of 1897, s. 32. No count of ballots by judge

### SCHEDULE.

#### FORM A.

In the Supreme Court of the North-West Territories.  
Judicial District of

Between *A.B.*, Petitioner.

and

*C.D.*, Respondent.

The petition of *A.B.*, of (*stating petitioner's residence and occupation*) sheweth:

1. An election was held on the \_\_\_\_\_ day of A.D. 1 (*state the date of the general polling day*) for the Electoral District of (*state the name of the electoral district*) at which *C.D.* and *E.F.* were candidates, and the said *C.D.* has been certified to be the person elected at such election.

2. The petitioner was a duly qualified elector at such election (*or the petitioner was a defeated candidate at such election*).

3. The petitioner says (*state here the facts and grounds on which the petitioner relies*).

Wherefore the petitioner prays that it may be declared that the election of the said *C.D.* is void and that it be set aside and (*if the seat is claimed for another candidate*) that it may be declared that the said *E.F.* was duly elected.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1  
*A.B.*

#### FORM B.

In the Supreme Court of the North-West Territories.  
Judicial District of

Between *A.B.*, Petitioner,

and

*C.D.*, Respondent.

The above named respondent, *C.D.*, says that the seat claimed in the petition herein for the said *E.F.* ought not to be awarded to him because (*here state the grounds and facts on which the respondent relies*).

Dated the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1  
*C.D.*

## CHAPTER 5.

### An Ordinance respecting the Public Service of the Territories.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Territories Public Service Ordinance.*" No. 13 of 1897, s. 1.

#### INTERPRETATION.

"Head of department"      **2.** In this Ordinance unless the context otherwise requires the expression "head of a department" or "head" means the member of the Executive Council for the time being presiding over a department. No. 13 of 1897, s. 2.

"Employee"      **3.** The expression "employee" or "employees" in this and any other Ordinance shall include all persons in the service of the Government and of the Legislative Assembly of the Territories other than the clerk of the Legislative Assembly and the auditor appointed under *The Treasury Department Ordinance.* No. 13 of 1897, s. 3.

#### APPLICATION.

Public service      **4.** The public service of the Territories for the purposes of this Ordinance includes and consists of the clerk of the Legislative Assembly and the Territorial auditor and of all classes of employees in or under the following departments of the Government and of the Legislative Assembly of the Territories heretofore appointed or hereafter to be appointed by the Lieutenant Governor in Council or other competent authority, namely :

- (a) The office of the Executive Council :
- (b) The department of the Attorney General ;
- (c) The department of the Territorial Secretary :
- (d) The department of the Treasury ;
- (e) The department of Public Works ;
- (f) The department of Agriculture ;
- (g) The department of Public Instruction ;
- (h) The offices of the Legislative Assembly. No. 13 of 1897, s. 4.

Application to officers of      **5.** Save as hereinafter excepted, this Ordinance shall apply to the offices of the registrar, clerks and deputy clerks of the

Supreme Court of the Territories. In so far as applicable and for the purposes of this Ordinance the word "department" in this Ordinance shall extend to and include the officers of the Supreme Court mentioned in this section, and the Attorney General of the Territories for the time being shall be the head thereof; but nothing herein contained shall impair or interfere with any already established authority or control of the courts and judges over their officers. No. 13 of 1897, s. 5.

**6.** This Ordinance shall apply to the permanent employees of the Legislative Assembly, saving always all legal rights and privileges of the said Assembly as respects the appointment or removal of its officers or servants or any of them. No. 13 of 1897, s. 6.

#### DIVISION OF THE PUBLIC SERVICE.

**7.** The public service shall be divided into two divisions:

- (a) The first or inside division shall consist of the employees comprising the several departmental staffs at the seat of government in the Territories enumerated in the fourth section of this Ordinance;
- (b) The second or outside division shall comprise all other employees of the Government of the Territories. No. 13 of 1897, s. 7.

#### CLERK OF THE LEGISLATIVE ASSEMBLY.

**8.** The clerk of the Legislative Assembly shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure; but whenever such pleasure is exercised in the direction of removing a clerk of the Legislative Assembly from his office a statement of the reasons for so doing shall be laid on the table of the Legislative Assembly within the first fifteen days of the next following session thereof. No. 13 of 1897, s. 8.

#### MANAGEMENT OF DEPARTMENTS.

**9.** The head of each department shall oversee and direct the employees of the department; and shall have general control of the business thereof; and shall perform such other duties as are assigned to him by the Lieutenant Governor in Council. No. 13 of 1897, s. 9.

**10.** In the absence of any head, the deputy or assistant to the head of the department shall perform the duties of such head unless an acting head of the department is appointed or the performance of such duties is otherwise provided for by the Lieutenant Governor in Council; and any deputy or assistant head so acting during such absence shall exercise all the powers vested in the head as to the control of the other employees of the department. No. 13 of 1897, s. 10.

## APPOINTMENTS.

Term of  
probation  
of employees

**11.** Every employee entering the public service of the Territories within the meaning of this Ordinance shall be subject to a probation of six months; and his employment shall cease at the end of that period from the date of his first employment unless at or before the end of that period the head signifies in writing that such person is considered by him as competent for the duty of that department; and if he is rejected the head of the department shall report to the Lieutenant Governor in Council the reasons for rejecting him. No. 13 of 1897, s. 11.

How made

**12.** All appointments to the public service shall be made by the Lieutenant Governor in Council on the application and report of the head of the department in which the person appointed is to be employed. All such appointments shall be during pleasure. No. 13 of 1897, s. 12.

Acting

**13.** It shall be lawful for the Lieutenant Governor in Council to appoint any member of the Executive Council to act as head of a department and also to appoint any acting officer or servant of any kind who shall have all the power and authority of the person for whom he is acting.

When to  
have effect

(2) Such acting head of department, officer or servant shall act only in the absence from the post of duty or during illness or other physical disability of the person for whom he acts or in case of a vacancy in office. No. 13 of 1897, s. 13.

## OATHS.

Employees to  
subscribe  
to oaths of  
allegiance  
and office

**14.** All employees of the public service who have not already done so and every clerk of the Legislative Assembly, Territorial auditor or employee hereafter appointed before any salary is paid to him shall take and subscribe the oath of allegiance and also the oath contained in form A in the schedule hereto in addition to any other oath which may be provided by any other Ordinance in that behalf. No. 13 of 1897, s. 14.

Clerk of  
Executive  
Council to  
subscribe to  
oath of  
secrecy

**15.** In the case of the clerk of the Executive Council and all employees under him and in the case of any officer or employee of whom the Lieutenant Governor requires the same there shall be added to the oath at the asterisks in the form of the oath in said form A of the schedule hereto the words contained in form B in the said schedule. No. 13 of 1897, s. 15.

Persons before  
whom such  
oaths are to  
be taken

**16.** The clerk of the Executive Council shall take and subscribe the said oaths before the Lieutenant Governor or some one appointed by him to administer the same; in the case of persons residing or coming to reside at the seat of Government in the Territories the oath shall be taken and subscribed before the clerk of the Executive Council; in other cases the oaths may be taken and subscribed before any person duly authorised

to administer oaths in the Territories who shall forward the same to the clerk of the Executive Council. No. 13 of 1897, s. 16.

**17.** The clerk of the Executive Council shall keep a record of all such oaths. No. 13 of 1897, s. 17. Record of oaths

#### SALARIES.

**18.** All employees in the public service of the Territories, the clerk of the Legislative Assembly and the Territorial auditor shall receive such salaries respectively as may be assigned to them by order in council and voted by the Legislature. No. 13 of 1897, s. 18. Salaries

#### ORGANISATION.

**19.** The staff of each department shall be divided and rank as follows: Precedence of officials

- (a) The deputy or assistant to the head of the department ;
- (b) The chief clerk of each branch, bureau or sub-department provided the department is so divided ;
- (c) Clerks ;
- (d) Messengers. No. 13 of 1897, s. 19.

**20.** The Lieutenant Governor in Council may from time to time divide any department into as many branches, bureaus or sub-departments as may appear most convenient for the service; and one of the clerks in such department may be appointed chief clerk of such branch, bureau or sub-department. No. 13 of 1897, s. 20. Division of departments

#### GENERAL PROVISIONS AND REGULATIONS.

**21.** As soon as conveniently may be after the passing of this Ordinance the Lieutenant Governor in Council shall determine the number of officers or employees that are required for the working of each department and shall classify the same according to the arrangements so determined. No. 13 of 1897, s. 21. Officials required

**22.** No extra clerk or other employee shall (except under an order in council) be employed in any department unless for a period not exceeding three months for which he may be paid at a rate not exceeding two dollars and a half per day out of the appropriation of the department on the certificate of the head thereof; except only that if such extra clerk or employee be a person of special attainments and employed as such he may be paid at a rate not exceeding the ordinary charge for such services. Extra clerical assistance and payment therefor

(2) Any extra clerk or employee may (under an order in council made on the application and report of the head of the department that the same is requisite) be employed for a longer period than three months and he shall during such period be borne on the pay list of the department. At the end of six

months such extra clerk or employee shall only be retained in the department as a probationary clerk or employee if appointed as such in the manner required herein. No. 13 of 1897, s. 22.

Hours of attendance

**23.** The Lieutenant Governor in Council may regulate the hours of attendance of the employees in any department; and when the public service demands (in case of pressure or urgency) that additional time be given such additional time as the head or deputy head of any department may require shall be given by all the clerks and employees without additional compensation. No. 13 of 1897, s. 23.

Transfer of clerks from one department to another

**24.** The Lieutenant Governor in Council may transfer any clerk or employee from one department to another or assign any duties to any clerk or employee temporarily or otherwise. No. 13 of 1897, s. 24.

Payment for extra services

**25.** No allowance or compensation shall be made for any extra services whatsoever which any clerk or employee may be required to perform. No. 13 of 1897, s. 25.

Suspension of officials

**26.** The head of a department may suspend from the performance of his duty or from the receipt of his salary any employee guilty of improper conduct or negligence in the performance of his duties; and may subsequently remove such suspension; but no person shall receive any salary or pay for the time during which he was under suspension. No. 13 of 1897, s. 26.

No applications for increase of salary to be made

**27.** Any application for increase of salary made by any employee in the public service or by any other person on his behalf with such employee's consent or knowledge shall be considered as a tendering of the resignation of such employee. No. 13 of 1897, s. 27.

Leave of absence

**28.** The head of a department may at such times as may be convenient grant to each employee in the department leave of absence for recreation for any period not exceeding three weeks for each year of service; and the head of a department may (in cases of illness or other pressing necessity) grant such extended leave not exceeding twelve months and on such terms as the Lieutenant Governor in Council may think fit. No. 13 of 1897, s. 28.

Rules and regulations may be made

**29.** The Lieutenant Governor in Council may make rules and regulations for carrying the provisions of this Ordinance into effect. No. 13 of 1897, s. 29.

## SCHEDULE.

## FORM A.

*Oath of Office.*

I (*A.B.*) do solemnly and sincerely swear that I will faithfully and honestly fulfill the duties which devolve upon me as  
, and that I will not ask or receive any sum of money, services, recompense or matter or thing whatsoever, directly or indirectly, in return for what I have done or may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by law or by an Order of the Lieutenant Governor in Council \* \* So help me God.

## FORM B.

*Addition to Oath for Clerk of Executive Council and others.*

And that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as (*as the case may be.*)

## CHAPTER 6.

### An Ordinance Respecting the Department of the Attorney General.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

##### Short title

1. This Ordinance may be cited as "*The Attorney General's Ordinance.*" No. 14 of 1897, s. 1.

#### ORGANISATION AND FUNCTIONS OF DEPARTMENT.

##### Organisation

2. There shall be a department of the civil service of the Territories to be called the department of the Attorney General over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the Territories to discharge the functions of the Attorney General for the time being shall preside ; and the said Attorney General shall *ex officio* be Her Majesty's Attorney General in and for the Territories. No. 14 of 1897, s. 2.

##### Duties

3. The duties of the Attorney General shall be as follows :

- (a) He shall be the official legal adviser of the Lieutenant Governor and the legal member of the Executive Council ;
- (b) He shall see that the administration of public affairs is in accordance with law ;
- (c) He shall have the superintendence of all matters connected with the administration of justice in the Territories within the powers or jurisdiction of the Legislative Assembly or Government of the Territories ;
- (d) He shall advise upon the legislative acts and proceedings of the Legislative Assembly of the Territories and generally advise the Crown upon all matters of law referred to him by the Crown ;
- (e) He shall be entrusted with the powers and charged with the duties which belong to the Attorney General and Solicitor General of England by law or usage so far as the same powers and duties are applicable to the Territories ; and also with the powers and duties which by the laws of Canada and of the Territories to be administered and carried into effect by the Government of the Territories belong to the office of the Attorney General and Solicitor General ;
- (f) He shall advise the heads of the several departments of the Government upon all matters of law connected with such departments respectively ;



- (g) He shall be charged with the settlement of all instruments issued under the seal of the Territories ;
- (h) He shall have the regulation and conduct of all litigation for or against the Crown or any public department in respect of any subjects within the authority or jurisdiction of the Legislative Assembly ;
- (i) He shall be charged generally with such duties as may be at any time assigned by law or by the Lieutenant Governor in Council to the Attorney General of the Territories. No. 14 of 1897, s. 3.

4. The Lieutenant Governor in Council may appoint such <sup>Officers and</sup> other officers, clerks and servants as are required for the proper conduct of the business of the department, all of whom shall hold office during pleasure. No. 14 of 1897, s. 4.

#### FORMER ACTS LEGALISED.

5. All acts heretofore done or appointments made in conformity with or to the effect of any of the provisions herein <sup>Validity of</sup> are declared to have been and to be legal and valid. <sup>former acts</sup> No. 14 of 1897, s. 5.

## CHAPTER 7.

### An Ordinance Respecting the Department of the Territorial Secretary.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as “ *The Territorial Secretary’s Ordinance.*” No. 15 of 1897, s. 1.

#### ORGANISATION AND FUNCTIONS OF DEPARTMENT.

Organisation      **2.** There shall be a department of the public service of the Territories to be called the department of the Territorial Secretary over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the Territories to discharge the functions of the Territorial Secretary for the time being shall preside. No. 15 of 1897, s. 2.

Duties      **3.** The powers, duties and functions of the Territorial Secretary are as follows :

- (a) He has all the powers, duties and functions which are assigned by law or custom to Provincial Secretaries and Registrars of the different Provinces of the Dominion of Canada in so far as they or any of them may be applicable to the Territories ;
- (b) He is the keeper of the seal of the Territories ; and shall issue all letters patent, commissions and other documents under the said seal and countersign the same with the exception of those which shall be countersigned by the clerk of the Executive Council ; and all commissions under the seal shall run in Her Majesty’s name ;
- (c) He is the keeper of all registers and archives of the Territories. No. 15 of 1897, s. 3.

To be Registrar      **4.** The Territorial Secretary shall be the Registrar of the Territories ; and as such shall register all instruments of summons, commissions, letters patent, writs and other instruments and documents issued under the seal of the Territories ; and his signature shall be proof of the fact that such registers, archives, instruments of summons, commissions, letters patent, writs and other instruments and documents exist and are lawfully in his possession ; and any copy (signed by him) of any document shall be equivalent to the original instrument itself in any court in the Territories ; and every document or copy of a docu-

ment purporting to bear his signature shall be deemed so to do until proof of the contrary. No. 15 of 1897, s. 4.

**5.** The Lieutenant Governor may at any time appoint such other officers, clerks and servants as are requisite for the proper conduct of the business of the department, all of whom shall hold office during pleasure. No. 15 of 1897, s. 5.

#### FEEES.

**6.** The Lieutenant Governor in Council may from time to time make a tariff of fees which shall be paid for the issuing and registering of commissions, letters patent, licenses and other instruments and documents and for the delivery of certified copies thereof or of certified extracts from the registers and archives in the Territorial Secretary's department as hereinbefore mentioned; and the said Territorial Secretary shall account to the Territorial Treasurer for all moneys received in virtue of such tariff or of any Ordinance in force in the Territories in such manner as may be prescribed by law or by the Lieutenant Governor in Council as the case may be. No. 15 of 1897, s. 6.

## CHAPTER 8.

### An Ordinance Respecting the Department of Agriculture.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Agriculture Department Ordinance.*" No. 18 of 1897, s. 1.

#### ORGANISATION, OFFICERS AND FUNCTIONS OF DEPARTMENT.

Organisation      **2.** There shall be a department of the public service of the Territories to be called the department of Agriculture, over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the Territories to discharge the functions of the Commissioner of Agriculture for the time being shall preside. No. 18 of 1897, s. 2.

Commissioner of Agriculture  
Province of department      **3.** All that part of the administration of the government of the Territories which relates to agriculture, statistics and the public health (including hospitals) shall be under the control of the department. No. 18 of 1897, s. 3.

Officers and clerks      **4.** The Lieutenant Governor may at any time appoint such other officers, clerks or servants as may be required to carry on the business of the department all of whom shall hold office during pleasure. No. 18 of 1897, s. 4.

Duties of department      **5.** It shall be the duty of the department to institute inquiries and collect facts and statistics relating to agricultural, manufacturing or other interests of the Territories; and to adopt measures for circulating and disseminating the same in such manner and form as may be found best adapted to promote the progress of the Territories; and to see to the observance and execution of the provisions contained in all Ordinances relating to agriculture, statistics and public health. No. 18 of 1897, s. 5.

Annual Report      **6.** A report of the work of the department shall be prepared yearly and laid on the table of the Legislative Assembly within fifteen days after the commencement of the next ensuing session thereof; and it shall be the duty of the department from time to time to issue such reports, circulars and other publications as the minister may deem advisable. No. 18 of 1897, s. 6.

Persons required to furnish      **7.** All officers of all agricultural societies, municipal councils, villages, local improvement districts, school boards, public in-

stitutions, incorporated companies and all public officers of the Territories and all medical practitioners and veterinary surgeons shall promptly answer all communications from the department; and shall from time to time collect and tabulate facts according to instructions to be furnished them from the department; and shall make diligent efforts to supply correct information on all questions submitted to them; and any such person neglecting or refusing to comply with the aforesaid provisions of this section (when requested to so comply by the minister) shall be guilty of an offence and on summary conviction thereof before a justice of the peace be liable to a penalty not exceeding \$25. No. 18 of 1897, s. 7.

## CHAPTER 9.

### An Ordinance Respecting the Department of Public Works.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be known and cited as "*The Public Works Ordinance*." No. 17 of 1897, s. 1.

#### INTERPRETATION

- 2.** In this Ordinance unless the context otherwise requires—
- "Department"      1. The expression "department" means the department of public works for the North-West Territories ;
- "Commissioner"      2. The expression "commissioner" means the member of the Executive Council under whose direction this Ordinance is administered ;
- "Deputy commissioner"      3. The expression "deputy commissioner" means the Deputy Commissioner or the person performing his duties for the time being ;
- "District engineer"      4. The expression "district engineer" means the district engineer and surveyor for any public works district created under the provisions of this Ordinance ;
- "Public works district"      5. The expression "public works district" means any portion of the Territories which may from time to time be set aside as a public works district with a distinctive name ;
- "Surveyor"      6. The expression "surveyor" means a Dominion land surveyor duly authorised under the provisions of *The Dominion Lands Act* to survey Dominion lands ;
- "Arbitrators"      7. The expression "arbitrator" and "arbitrators" respectively mean an arbitrator and arbitrators appointed and acting under this Ordinance. No. 17 of 1897, s. 2.

#### ORGANISATION AND DUTIES OF THE DEPARTMENT.

- Organisation of department      **3.** There shall be a department of the public service of the North-West Territories called the department of public works over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the Territories to discharge the functions of the Commissioner of Public Works for the time being shall preside. No. 17 of 1897, s. 3.
- Commissioner of public works
- Administration      **4.** The commissioner shall have the administration, management and control of the department and of the general business

thereof and shall oversee and direct the officers, clerks and servants of the department. No. 17 of 1897, ss. 4, 5.

**5.** The commissioner shall also have the management, charge and direction of the construction of and the heating, lighting, furnishing, maintenance and keeping in repair of all Government buildings. No. 17 of 1897, s. 6.

**6.** With the approval of the Lieutenant Governor in Council the commissioner shall also appoint and control the officers and servants necessary for the proper care and maintenance of the government buildings. No. 17 of 1897, s. 7.

**7.** The commissioner shall also have the control and management of all surveys of old trails, of road allowance diversions, of new roads and of other surveys and explorations required by the Government and of the issue of any and all maps and plans needed by the department or by any other department of the North-West Government; he shall also deal with all questions affecting changes in or obstructions to any road allowance or public highway which has been vested in the North-West Government for public use, including the crossing of such road allowances or public highways by irrigation ditches, canals or other works, and with the providing and maintaining of such private or public ferries as may be needed on any river or stream in the Territories; and shall have such other powers and duties as may from time to time be assigned to him by the Lieutenant Governor in Council. No. 17 of 1897, s. 8.

**8.** The Lieutenant Governor in Council may appoint an officer who shall be called the deputy commissioner who shall also be chief engineer and surveyor and who shall be the deputy or assistant to the commissioner. No. 17 of 1897, s. 9; No. 40 of 1898, s. 2.

**9.** The deputy commissioner shall prepare maps, plans, specifications and estimates for all public works which are about to be constructed, altered or repaired as directed by the commissioner; he shall report for the information of the commissioner on any question relating to any public work which is submitted to him; he shall examine, revise and approve the plans, specifications and estimates of other engineers architects and officers in respect to any public work; and generally he shall advise the commissioner on all surveying, engineering and architectural questions affecting any public work; he shall also prepare reports and conduct (under the direction of the commissioner) the correspondence of the department and see that all contracts entered into by the commissioner are properly drawn out and executed, that all letters, reports and other documents are properly copied or filed as the case may be and generally to do or perform all such acts and things pertaining to the business of the department as he may from time to time be directed by the commissioner. No. 17 of 1897, s. 10.

Appointment  
of district  
engineers and  
surveyors

**10.** The Lieutenant Governor in Council may appoint one or more competent persons to act as district engineers and surveyors in such portions of the Territories as may be from time to time set aside by the commissioner as public works districts; and the remuneration as well as the duties of such officers shall be settled and defined by the Lieutenant Governor in Council. No. 17 of 1897, s. 11; No. 40 of 1898, s. 2.

#### VERIFICATION OF ACCOUNTS.

Accounts may  
be attested  
on oath

**11.** The commissioner may require any account sent in by any person employed by the department to be attested on oath, which oath (as well as that to be taken by any witness) may be administered by the commissioner or by the deputy commissioner. No. 17 of 1897, s. 12.

#### ATTENDANCE OF WITNESSES.

Examination  
of witnesses

**12.** The commissioner may by notice in writing signed by him require the attendance before him at a time and place to be named in the notice of any person deemed necessary touching any matter upon which his action is required; and may by the notice require such person to bring with him all papers, plans, books, documents and things in his possession or under his control bearing in any way upon the matter so before him; and at the time and place appointed by the notice examine the person so notified to be present on oath touching the matter aforesaid.

Compelling  
attendance

Remuneration

(2) For the time lost and expenses incurred by any person in obedience to such notice, such person shall be entitled to reasonable remuneration to be paid out of the general revenue fund by the Treasurer on the certificate of the commissioner.

Penalty for  
non-  
compliance

(3) Any person wilfully neglecting or refusing in any way to comply with the notice of the commissioner or to be examined as aforesaid shall be guilty of an offence and liable on summary conviction to a fine of \$25 and on non-payment of such fine forthwith after conviction to imprisonment for one month. No. 17 of 1897, s. 13.

#### PUBLIC PROPERTY.

Public works,  
etc., to be the  
property of  
Her Majesty  
and controlled  
by department

**13.** All lands, streams, water courses and property (real or personal) heretofore or hereafter acquired for the use of public works; all dams, hydraulic works and other works for improving the navigation of any water; all slides, dams, piers, booms and other works for facilitating the transmission of timber; all dams erected for the storage of water; all hydraulic powers created by the construction of any public work; all roads and bridges; all public buildings; all vessels, dredges, scows, tools, implements and machinery for the improvement of navigation; all drains and drainage works; all ferries; all wells; and all property heretofore or hereafter acquired, constructed, repaired, maintained or improved at the expense of the Territories and not under the control of the Dominion Government; shall be



and remain vested in Her Majesty and so far as not under the control of any other department shall be under the control of the department of public works. No. 17 of 1897, s. 14.

**14.** The Lieutenant Governor in Council may from time to time declare any other property, (real or personal) and any works, roads, bridges, harbours, booms, slides, buildings or other things specified in the last preceding section and purchased or constructed at the public expense to be public works subject to the provisions of this Ordinance; and they shall thenceforth be vested in Her Majesty and under the control of the department. No. 17 of 1897, s. 15.

Other works may be declared public works

**15.** Any person having possession of any maps, plans, specifications, estimates, reports or other papers, books, drawings, instruments, models, contracts, documents or records relating to public work who refuses or neglects (upon demand of the commissioner or other person authorised to require it) forthwith to deliver the same to the department shall be guilty of an offence and liable on summary conviction thereof to a penalty of \$25 and on non-payment forthwith on conviction to imprisonment for one month. No. 17 of 1897, s. 16.

Maps, etc., not private property may be required by department

**16.** Any property (real or personal) when no longer required for the use of any public work may be sold, leased or otherwise disposed of under the authority of the Lieutenant Governor in Council; and the proceeds of all such sales, leases and dispositions shall be accounted for as public money:

Public property may be sold

Provided always that such property shall whenever practicable be so sold, leased or disposed of by tender or public auction. No. 17 of 1897, s. 17.

Provide

#### ANNUAL REPORT OF DEPARTMENT.

**17.** The commissioner shall make and submit to the Lieutenant Governor an annual report on all the works under the control of the department to be laid before the Legislative Assembly within ten days from the commencement of the session next following the end of the year for which such report is made, showing the state of each work and the amounts received and expended in respect thereof, with such further information as may be requisite to enable the Legislative Assembly to judge of the working of the department. No. 17 of 1897, s. 18.

Annual report

#### CONTRACTS.

**18.** The commissioner shall have power to enter into any contract with any person or corporation that may be necessary or advisable in carrying out the provisions of any Ordinance of the Legislative Assembly; but no deeds, contracts or writings shall hereafter be deemed to be binding on the department nor shall be held to be the acts of the commissioner unless signed by him or by the deputy commissioner. No. 17 of 1897, s. 19.

Commissioner may enter into contract

Tenders to  
be invited

Exceptions

**19.** It shall be the duty of the commissioner to invite tenders by public advertisement or by other public notice for the construction and repair of all public works except in cases of pressing emergency when delay would be injurious to the public interest or when from the nature of the work it can be more expeditiously and economically executed by order or commission or by the officers and servants of the department. No. 17 of 1897, s. 20.

Security for  
performance  
of contracts

When  
contracts not  
let to highest  
bidder

**20.** The commissioner when any public work is being carried out by contract and in other cases may require that security be given to and in the name of Her Majesty for the due performance of the work within the amount and time specified for the completion; and in all cases where it seems to the commissioner not to be expedient to let such work to the lowest bidder it shall be his duty to report the same and obtain the authority of the Lieutenant Governor in Council previous to passing by such lowest tender; but no sum of money shall be paid to the contractor nor shall any work be commenced on any contract until the contract has been signed by all the parties therein named or until any security required has been given. No. 17 of 1897, s. 21.

Contract to  
enure to Her  
Majesty

**21.** All contracts respecting any public works or property (real or personal) under control of the department heretofore or hereafter entered into by the commissioner or by any other person duly authorised to enter into the same shall enure to the use of Her Majesty and may be enforced as if they had been entered into with Her Majesty under the authority of this Ordinance. No. 17 of 1897, s. 22.

#### ACTIONS AND SUITS.

Actions to be  
instituted by  
Attorney  
General

**22.** All actions, suits and other proceedings for the enforcement of any contract or for the recovery of damages for any tort or breach of contract or for the trial of any right in respect of any property (real or personal) under the control of the department, shall be instituted in the name of Her Majesty by the Attorney General. No. 17 of 1897, s. 23.

#### EVIDENCE OF RECORDS, ETC.

Copies of  
records, etc.,  
when attested  
to be *prima  
facie* evidence

**23.** Copies of any records, documents, plans, books or papers belonging to or deposited in the department attested under the signature of the commissioner or of the deputy commissioner shall be *prima facie* evidence of the same and shall have the same legal effect as the original in any court or elsewhere. No. 17 of 1897, s. 24.

#### DRAINAGE OF LANDS.

Examination  
and survey of  
swamp lands

**24.** The commissioner shall have power to employ a competent engineer and surveyor to make the necessary examination, surveys and levels of any swamp or bog land or land occasionally or permanently flooded with water, such engineer and

surveyor to be under the direction of the department and to report to the commissioner on the best means of draining or preventing the flooding of such land, the cost of the same, the quantity and quality of the land proposed to be drained or saved from flooding, with an estimate of the improved value of such land. No. 17 of 1897, s. 25.

**25.** The commissioner shall submit to the Lieutenant Governor in the annual report to be laid before the Legislative Assembly a statement of the results of such examination, surveys and levels and an estimate of the cost of reclaiming such lands so as to render them available for cultivation with his recommendation respecting the same. No 17 of 1897, s. 26.

Results of examination to be included in annual report

**26.** The commissioner shall have power to make contracts in the manner hereinbefore provided for the construction and repair of any drain, bridge, road, dam, dyke, slide or any other work necessary or proper to prevent the flooding of or to carry off the water from any such land as aforesaid and to render the same available. No 17 of 1897, s. 27.

Construction of works in connection with swamp lands

**27.** When it has been ascertained on the report of a competent engineer that there exists or is being or has been constructed across any river, stream or water course any boom, mill-dam, embankment or obstruction which does or which in the opinion of such engineer will impede the free discharge of water from any such swamp, bog or flooded lands as aforesaid, the commissioner shall have power to stop the construction thereof or to cause the same to be removed or a slide constructed as in his opinion may be most advisable; and if it be found that the owner of any such boom, mill-dam, embankment or obstruction or any other person suffers any damage in consequence of the stoppage of its construction or of its removal or of the construction of any slide under the provisions of this section, such owner or person suffering such damage shall receive compensation (if on arbitration as hereinafter provided he be considered reasonably entitled to any) for any such damage to be agreed upon or appraised and awarded in manner hereinafter provided; due regard being paid to the previous right or wrongful action of the owner in constructing the mill-dam, boom or embankment; and such compensation shall be paid within six months after the same has been agreed on or awarded as aforesaid:

Obstructions to free discharge of water from swamp lands

Provided that any such river, stream or water course is within the purview of the Territorial authority. No. 17 of 1897, s. 28; and No. 40 of 1898, s. 2.

Proviso

**28.** When any such slide as aforesaid has been constructed in any mill, mill-dam or embankment, such slide shall be under the control of the department; and the commissioner, his engineers and agents shall have free access to the same at all reasonable times and for all reasonable purposes including the regulating and discharge of water over and the repairing of the same. No. 17 of 1897, s. 29.

Free access to works obstructing discharge of water

Appointment  
of overseers  
to take charge  
of drainage  
works

**29.** When the works for the drainage or saving from flooding of any land have been reported complete the commissioner shall if necessary appoint a competent overseer or overseers to take charge of the same whose duty it shall be to report from time to time and as occasion may require on the condition of the same and to state what repairs are required to keep them in good order. No. 17 of 1897, s. 30.

Construction  
of lateral  
drains

**30.** The commissioner shall have power to grant permission to any person to construct or cause to be constructed at his own expense lateral drains into any main drains or water courses constructed or improved under this Ordinance; and such permission shall be in writing, signed and sealed as hereinbefore directed in regard to contracts and shall set forth the conditions and payments on which the same is granted. No. 17 of 1897, s. 31.

When  
constructed  
without  
permission

**31.** If any person construct or cause to be constructed any such lateral drain as aforesaid from which water may be discharged into any such main drain or water course constructed or improved as aforesaid without such written permission first obtained, such person shall on due notice given in writing signed by the commissioner restore such lateral and main drain and water course to their former condition; and should any person refuse or neglect to restore such lateral and main drain and water course to their former condition within a reasonable time after the receipt of such notice such person shall be guilty of an offence and on summary conviction thereof be liable to a penalty not exceeding \$200. No. 17 of 1897, s. 32; No. 40 of 1898, s. 2.

Privilege  
of using  
drainage  
works

**32.** Should any person have or acquire land in the vicinity of any main drain or water course constructed or improved as aforesaid, such person shall have the privilege of using such main drain or water course under such conditions and payments as may be considered fair and reasonable by the commissioner, to whom application in writing must be made and by whom permission must first be given as hereinbefore provided. No. 17 of 1897, s. 33.

#### PROTECTION OF PUBLIC WORKS.

Penalties for  
injuring  
public works

**33.** Any person who carelessly or wilfully breaks, cuts, fills up or otherwise injures any public work shall be guilty of an offence and upon summary conviction thereof be fined a sum not exceeding \$100 and costs and in default of payment forthwith after conviction may be imprisoned for a period not exceeding sixty days; and the justice of the peace may further order the offender to forthwith repair any such damage or remove any obstruction as aforesaid.

Traffic on  
bridges

(2) Any person who rides or drives any horse, mule or horned cattle upon or across any bridge the property of the North-West Government at a pace faster than a walk shall be guilty of an offence and shall be liable upon summary conviction thereof to a penalty not exceeding \$25.

(3) Any person who wilfully obstructs any bridge the property of the North-West Government in such a manner as to prevent or cause hindrance or delay to any person desiring to travel across such bridge shall be guilty of an offence and shall be liable upon summary conviction thereof to a penalty not exceeding \$25. No. 17 of 1897, s. 34. Obstructing bridges

#### OFFICIAL ARBITRATORS.

**34.** The Lieutenant Governor may from time to time appoint any number of persons not exceeding three who shall arbitrate on, appraise, determine and award the sum which shall be paid to any person in respect of any claim made by such person under this Ordinance and not provided for by *The Expropriation Ordinance* and with whom the commissioner has not agreed and cannot agree; and every such arbitrator shall receive such remuneration as shall be from time to time fixed by Order of the Lieutenant Governor in Council. No. 17 of 1897, s. 35. Appointment of arbitrators

**35.** The arbitrators shall take before the clerk of the Executive Council or any person appointed to administer an oath in the Territories the following oath: Arbitrators to be sworn

"I, A.B., do swear that I will well and truly hear, try and examine into such claims as may be submitted to me for compensation for real or personal property taken or alleged direct or consequent damage to such property arising from the construction or connected with the execution of any public work at the expense of the Territories or arising out of or connected with the execution or on account of deductions made for the non-execution or non-fulfilment of any contract for the execution of any public work; that I will give a true judgment and just award thereon to the best of my knowledge and ability; and that I will take into due consideration the benefits derived and to be derived by the claimant through the construction of such public work as well as the injury done thereby. So help me God." Oath

(2) The clerk of the Executive Council shall keep a record of every oath so taken. No. 17 of 1897, s. 36.

**36.** The Lieutenant Governor may appoint proper persons to act as clerks to the said arbitrators and by Order in Council may fix the amount of remuneration to be allowed any such clerk. No. 17 of 1897, s. 37. Appointment of clerks to arbitrators

**37.** Whenever any arbitrator shall have concluded any such arbitration by the publication of his award thereon, he shall forthwith cause to be transmitted to the commissioner such award together with all depositions, documents, maps, plans, books, accounts, contracts and writings taken by or submitted to such arbitrator in the course of such arbitration; and the commissioner shall file the same as public records of the department. No. 17 of 1897, s. 38. Award of arbitrators to be transmitted to commissioner

## ARBITRATION OF CLAIMS.

Claims, how  
to be dealt  
with

**38.** If any person has any claim not within *The Expropriation Ordinance* arising out of or connected with the execution or non-execution or non-fulfilment of any contract in respect of any such public work made and entered into with the commissioner either in the name of Her Majesty or in any other manner whatsoever, such person may give notice in writing of such claim to the commissioner stating the particulars thereof and how the same has arisen; and thereupon the commissioner may at any time within thirty days after such notice tender what he considers a just satisfaction for the same with notice that unless the sum so tendered be accepted in ten days after such tender the said claim will be submitted to arbitration. No. 17 of 1897, s. 39.

Security to be  
given by  
claimants

**39.** Before any claim under this Ordinance shall be arbitrated upon the claimant shall give security to the satisfaction of the arbitrators or any one of them for the payment of the costs and expenses incurred by the arbitration in the event of such claimant being awarded to pay such costs. No. 17 of 1897, s. 40.

Arbitration  
when not to  
be allowed

**40.** No arbitration shall be allowed in any case where by the terms of the contract therein it is provided that the determination of any matters of difference arising out of or connected with the same shall be made by the commissioner. No. 17 of 1897, s. 41.

Claims for  
compensation  
to be made  
within six  
months after  
loss or injury

**41.** No claim of any kind for compensation in respect of any contract made or for any loss or damage occasioned by anything done under this Ordinance by or under the authority of the department or the commissioner shall be submitted to or entertained by any arbitrator unless such claim and the particulars thereof have been filed with the commissioner within six months next after the loss or injury complained of or after the date of the final estimate made under such contract. No. 17 of 1897, s. 42.

## POWERS OF ARBITRATORS AND PROCEEDINGS BY OR BEFORE THEM.

Arbitrators  
may summon  
witnesses

**42.** The arbitrators may (by order in writing signed by any one of them to be served upon or left at the last usual place of residence of the person to whom it is addressed) require the attendance from any part of the Territories of any witness or the production of any documents required by any of the parties and may swear the said witness to testify truly respecting the matter on which he is to be interrogated; and any person disobeying such order shall be guilty of an offence and liable on summary conviction thereof to a penalty of \$25 and on non-payment forthwith after conviction to imprisonment for one month. No. 17 of 1897, s. 43.

**43.** No person shall be compelled to give any evidence or produce any document which he would not be compelled to give or produce at a trial in the Supreme Court of the Territories: and every witness shall be allowed in addition to his reasonable travelling expenses a sum not exceeding that usually allowed to witnesses in the Supreme Court of the Territories at the discretion of the arbitrators, such remuneration to be paid by the party requiring his attendance. No. 17 of 1897, s. 44.

Evidence to be given by, and attendance of, witnesses.  
Witness fees

**44.** In awarding upon any claim arising out of any contract in writing, the arbitrators shall decide in accordance with the stipulations in such contract and shall not award compensation to any claimant on the ground that he expected a larger sum of money in performance of his contract than the amount stipulated therein; nor shall they award interest on any sum of money which they consider to be due to such claimant in the absence of any contract in writing stipulating for payment of such interest; and any clause in any such contract in which a drawback or penalty is stipulated for the non-performance of any condition thereof or any neglect to complete any public work or to fulfil any covenant or promise in such contract shall not be construed as in the nature of penalty but as importing an assessment by mutual consent of the damages caused by such non-performance or neglect. No. 17 of 1897, s. 55.

Award of arbitrators

**45.** In the investigation of any claim, the arbitrators shall cause all legal evidence offered on either side to be taken down and recorded in writing and shall make and keep a list of all plans, receipts, vouchers, documents and other papers which may be produced before them during such investigation; but they may (with the consent in writing of the commissioner and of the opposite party) take the testimony of the witnesses adduced on either side orally and in such case need not reduce it to writing. No. 17 of 1897, s. 46.

Evidence to be recorded in writing  
except with consent of both parties

**46.** If the sum awarded in any case be greater than the sum tendered, the commissioner on behalf of the Territories shall pay the costs of the arbitration; but if less the costs shall be paid by the person who refused the tender; and such costs shall in the cases where the award is in favour of the claimant be paid by the Government in addition to the sum awarded and shall where the award is in favour of the Government be paid by the claimant.

Cost of arbitration

(2) The tariff of costs relating to matters and causes in the Supreme Court and the taxation thereof shall be applicable to arbitration under this Ordinance. No. 17 of 1897, s. 47.

#### AID TO LOCAL IMPROVEMENT DISTRICTS.

**47.** In order to aid local improvement districts the Lieutenant Governor in Council may direct that out of any legislative appropriation made for that purpose there shall be paid to the overseer of any local improvement district for the benefit of

Grants to districts, how to be made

the district an amount for each day upon which local improvement work has been done ; but no such grant shall be paid unless the overseer of the district has on or before the first day of November of the year for which the grant is to be paid forwarded to the commissioner the returns required by *The Local Improvement Ordinance*. No. 17 of 1897, s. 48 ; No. 28 of 1898, s. 20 ; No. 40 of 1898, s. 2.



## CHAPTER 10.

### An Ordinance Respecting the Treasury Department and the Auditing of the Public Accounts.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Treasury Department Ordinance*." No. 16 of 1897, s. 1.

#### INTERPRETATION.

2. In this Ordinance unless the context otherwise requires— Interpretation

- (a) The expression "treasurer" means the member of the "Treasurer" Executive Council appointed to act as Territorial treasurer ;
- (b) The expression "auditor" means the Territorial auditor ; "Auditor"
- (c) The expression "board" means the treasury board ; "Board"
- (d) The expression "department" means the treasury department ; "Department"
- (e) The expressions "public revenue," "revenue," and "public money" respectively mean all revenue and public moneys arising from any source whatever, whether such revenue and moneys belong to the Territories or are held by the Territories or collected or held by officers of the Territories for or on account of or in trust for any province forming part of the Dominion or for the Dominion or for the Imperial Government or for any other party or person.
- (f) The expression "revenue officer" means any person employed in collecting, managing or accounting for revenue or in carrying into effect any laws relating thereto or in preventing the contravention of any such laws ; and so far as regards accounting for and paying over such revenue, the said expression includes any person who has received or has been entrusted with any public money whether such person was regularly employed for such purpose or not. No. 16 of 1897, s. 2.

#### ORGANISATION AND FUNCTIONS OF DEPARTMENT.

3. There shall be a department of the public service of the Territories, to be called "the Treasury department" over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the Territories to discharge the

functions of the Territorial treasurer for the time being shall preside. No 16 of 1897, s. 3.

**Functions**      **4.** The department shall have the management and control of the revenue and expenditure of the Territories. No. 16 of 1897, s. 4.

#### GENERAL REVENUE FUND.

**General revenue fund, what to consist of**      **5.** All revenues whatever however arising or received over which the Legislative Assembly of the Territories has power of appropriation (excepting moneys which may otherwise be specially disposed of by the Legislature) shall form one general revenue fund to be appropriated for the public service of the Territories. No. 16 of 1897, s. 5.

**What charged with**      **6.** The general revenue fund shall be permanently charged with all costs, charges and expenses incident to the collection, management and receipt thereof, such costs, charges and expenses being subject nevertheless to audit and to legislative review and vote. No. 16 of 1897, s. 6.

**Appropriations from general revenue fund and how made**      **7.** The Legislative Assembly shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of such general revenue fund to any purpose which has not been first recommended to the said Legislative Assembly by message of the Lieutenant Governor during the session in which such vote, resolution, address or bill is proposed. No. 16 of 1897, s. 7.

#### COLLECTION AND MANAGEMENT OF REVENUE.

**Appointment of revenue officers**      **8.** The Lieutenant Governor in Council may from time to time determine what revenue officers it is necessary to employ and assign their names of office and fix their salaries and appoint the times and manner in which the same shall be paid: but no such officer shall receive a higher salary than is allowed in his case by any Ordinance of the Legislative Assembly then in force nor shall any such salary be paid unless voted by the said Legislative Assembly. No. 16 of 1897, s. 8.

**Officers employed on any duty to be deemed proper officers for such duty, etc.**      **9.** Every revenue officer employed on any duty or service by the Order or with the concurrence of the Lieutenant Governor in Council shall be deemed to be the proper officer for that duty or service: and everything required by any law to be done by, to or with any particular officer designated for that purpose in such law shall (when done by, to or with any person appointed or authorised by the Lieutenant Governor in Council to act in behalf of such particular officer) be deemed to be done by, to or with such particular officer. No. 16 of 1897, s. 10.

**Officers of one branch may**      **10.** Any revenue officer employed for any branch of the revenue may be employed for any other branch thereof when-

ever it is deemed advantageous for the public service so to employ him. No. 16 of 1897, s. 11. be employed in others

**11.** The Lieutenant Governor in Council may from time to time appoint the hours of general attendance of the revenue officers at their places of employment and may also appoint the times during such hours or the seasons of the year at which any particular portions of their duties shall be performed; and a notice of the hours of general attendance so appointed shall be constantly posted up in some conspicuous place in such places of employment. No. 16 of 1897, s. 12. Hours of attendance

**12.** The Lieutenant Governor in Council may direct any revenue officer to keep any books or accounts for the purpose of obtaining any statistical information touching the resources or public works of the Territories, or other matter of public interest and may authorise any necessary expense for that purpose. No. 16 of 1897, s. 13. Books and accounts

**13.** The Lieutenant Governor in Council may from time to time assign the immediate oversight and control of any revenue officers to such of the public departments as may be deemed convenient; and in default of other assignment such immediate oversight and control shall rest with the Treasury department. No. 16 of 1897, s. 14. Oversight and control of officers

**14.** All revenue shall be paid promptly to the treasurer through such officers, banks or parties and in such manner as the Lieutenant Governor in Council may from time to time direct. No. 16 of 1897, s. 15. Payment of revenue

**15.** Revenues for the previous fiscal year may be received at the office of the treasurer and placed to the credit of such fiscal year's account up to and inclusive of the fifth day of January in each year. No. 16 of 1897, s. 16. Revenue of previous year

**16.** The Lieutenant Governor in Council may from time to time appoint the times and modes in which any revenue officer shall account for and pay over the public moneys which come into his hands; and may determine the times, manner and form in which and the officer by whom any licences on which any duty is payable are to be issued; but such accounts and payments shall be rendered and made by such officers at least once in every three months. No. 16 of 1897, s. 17. Accounting of revenue officers

**17.** Every revenue officer on receiving public money shall forthwith deposit the same in his name of office in such chartered bank as the Lieutenant Governor in Council may appoint; and no money so deposited shall be paid out again except for the purpose of being paid to the treasurer on the written order or official cheque of the officer so depositing or of his successor; and every such officer shall keep his cash book written up daily; and all his books, accounts and papers shall at all times during office hours be open to the inspection of any Duty of revenue officer on receiving money Cash book

person whom the treasurer may authorise to inspect the same; but where such money is received at a place where it is not convenient to pay it into a chartered bank, the Lieutenant Governor in Council may direct it to be paid over in such manner as he may deem expedient. No. 16 of 1897, s. 18.

#### TREASURER AND TREASURY DEPARTMENT.

Members of  
Executive  
Council may  
have powers  
of Treasurer

**18.** Any member of the Executive Council who may be appointed by the Territorial treasurer shall during his term of office have all the powers and duties assigned to him by this Ordinance and such other duties and functions as the Lieutenant Governor in Council may from time to time impose on him. No. 16 of 1897, s. 19.

Staff of  
Treasury  
department

**19.** There shall be employed on the staff of the Treasury department under appointment of the Lieutenant Governor such officers and persons as may be deemed necessary; and their respective duties in all matters not expressly regulated by law shall be such as may from time to time be assigned to them by Order of the Lieutenant Governor in Council or subsidiarily thereto by the treasurer. No. 16 of 1897, s. 20.

Mode of  
keeping the  
public  
accounts

**20.** The accounts of the Territories shall be kept in the Treasury department in such manner and under such regulations for the fullness and accuracy and as to the measure of oversight and responsibility attached in regard to them to the treasurer and to the auditor or the treasury board respectively as the Lieutenant Governor by Order in Council or (subject to all such Orders) the treasurer may make from time to time. No. 16 of 1897, s. 21.

Fiscal year

**21.** The fiscal year of the Territories shall be the period from the thirty-first day of December in one year to and including the thirty-first day of December in the next year. No. 16 of 1897, s. 22.

Public  
accounts

**22.** As soon as practicable after the close of each fiscal year there shall be prepared under the direction of the treasurer for submission to the Legislative Assembly at its next session a statement of the public accounts for such year showing clearly and fully the several revenues and expenditures of the Territories for the year, the state of the general revenue fund and all trust and special funds under the management of the Territorial Government, and all matters requisite to explain the financial transactions and position of the Territories during and at the close of each year. No. 16 of 1897, s. 23.

Time of  
rendering  
accounts may  
be altered

**23.** The Lieutenant Governor in Council may alter the period at or to which any accountant for public money, public officer, corporation or institution is required to render any account or to make any return whenever in his opinion such alteration will facilitate the correct preparation of such statement of the public accounts or of the estimates, anything in any Ordinance to the contrary notwithstanding. No. 16 of 1897, s. 24.

**24.** All estimates submitted to the Legislature shall be for Estimates the services coming in course of payment during the fiscal year or during such other term as such estimates may expressly purport to cover; and all balances of appropriations remaining Balances to unexpended at the close of such fiscal year or other term shall lapse lapse and be written off, except that in case of liabilities incurred during the then expiring fiscal year accounts therefor may be paid up to and including the thirty-first day of January following but not later; and all such payments shall be charged to and form part of the expenditure of that expiring year. No. 16 of 1897, s. 25.

**25.** The estimates shall contain the statutory appropriations Estimates, which do not require to be voted upon by the Legislative what to Assembly year by year and also the respective amounts required for any service in addition to such statutory appropriations or otherwise (as the case may be) for which a vote of the Legislative Assembly is required to authorise the expenditure of the same. No. 16 of 1897, s. 26.

**26.** The Lieutenant Governor in Council may from time to time direct the treasurer to invest any portion of the general revenue fund not presently required for expenditure in public securities of the Dominion of Canada or in the debentures of school districts in the Territories; and may afterwards (whenever requisite to meet expenditure) direct him to dispose thereof to that end, in such manner, on such terms and to such amount as may be deemed most for the public advantage. No. 16 of 1897, s. 27.

**27.** All expenditure of public moneys shall be made by official cheque on a chartered bank, such cheque being signed by Expenditure the treasurer and countersigned by the auditor as hereinafter to be by provided. No. 16 of 1897, s. 28.

**28.** All institutions, establishments, associations and bodies Returns to sustained or in part aided at public expense shall render yearly be made on or before the thirty-first day of January for the twelve yearly by months ended on the thirty-first day of the preceding month institutions of December, in such form as from time to time may be required aided from by the Lieutenant Governor in Council, a full report of their revenue condition, management and progress and also all statistical returns which may from time to time be required of them by the Lieutenant Governor in Council. No. 16 of 1897, s. 29.

**29.** The clerk, secretary, overseer or other proper officer of every municipal corporation, village or school district whenever Certain required by the treasurer shall transmit to him a return verified returns from under oath setting forth the amount of real and personal municipalities property in the municipality, village or school district according etc., when to the then last revised assessment roll or rolls, a true required account of all the assets, debts and liabilities of such municipality, village or school district, and all such information and particulars as to the resources, debts and liabilities thereof as he may from time to time require. No. 16 of 1897, s. 30.

Returns, how  
to be made

**30.** The Lieutenant Governor in Council may from time to time direct through what department or departments the various reports and returns referred to in the last two preceding sections or any thereof shall be rendered for transmission to the Treasury department; and in default of other direction the same shall be rendered direct to the Treasury department No. 16 of 1897, s. 31.

#### TREASURY BOARD, ITS POWERS AND DUTIES.

Treasury  
board,  
composition of

**31.** For the purpose of reference and decision in regard to the matters hereafter referred to it, a treasury board composed of members of the Executive Council shall be appointed by the Lieutenant Governor in Council; and the members so appointed shall be the treasury board for the time being. No. 16 of 1897, s. 32.

Illness or  
absence  
provided for

**32.** The Lieutenant Governor in Council may in case of illness or absence of any member of the board authorise any other member of the Executive Council to perform all or any of the duties of the absent member as such. No. 16 of 1897, s. 33.

Minute book

Questions  
of audit

**33.** The treasury board shall keep a regular minute book in which shall be recorded all its proceedings; any member may bring any question of audit before the board, although it may not relate to a department under his charge. No. 16 of 1897, s. 34.

Reports  
of board

**34.** Upon all matters of importance the board shall report to the treasurer; and when any such report is made any member of the board may record his dissent on the minutes and may submit to the treasurer a minority report. No. 16 of 1897, s. 35.

Regulations  
to be framed  
by board

**35.** The treasury board shall frame regulations respecting—

- (a) The method of book keeping to be used in the several departments of the Government of the Territories;
- (b) The issuing of warrants;
- (c) The accounting for public moneys and the auditing of accounts thereof;

and shall submit such regulations to the Lieutenant Governor in Council through the treasurer; and from time to time may suggest any amendments which it may deem advisable in such regulations and submit them in like manner; and any Order in Council made on any of these subjects shall have the force of law until revoked or amended (as it may be) by any subsequent Order. No. 16 of 1897, s. 36.

Board to  
examine  
statement of  
public  
accounts

**36.** The treasury board shall examine the yearly statement of the public accounts and submit thereon to the Lieutenant Governor in Council its report for communication to the Legislative Assembly. No. 16 of 1897, s. 37.

**37.** The treasury board may examine any person on oath on any matter pertinent to any account submitted to it and such oath may be administered by any member of the board. Persons may be examined on oath  
No. 16 of 1897, s. 38.

**38.** Any member of the board (duly authorised by it) may apply in chambers to any judge of the Supreme Court of the Territories for and obtain an order directing any person therein named to appear before the said board at the time and place mentioned in such order and then and there to be examined under oath as to any and all matters within his knowledge relative to any account submitted to the board and to bring with him and produce to the board any document, paper or thing which he may have in his possession relating to such account as aforesaid. Subpoena to appear before board  
Production of papers, etc.  
No. 16 of 1897, s. 39.

**39.** If any person whose examination is required by the board resides at a distance from the place where its sittings are held or for any other reasonable cause it may be considered proper, on application as in the last preceding section mentioned the judge may order such examination to be taken before an officer or person named in the order who shall by virtue of such order take such evidence and report the same to the board; and such officer or person (being first sworn before some justice of the peace faithfully to execute the duty imposed on him by such order) shall with regard to such examination have the same powers as the board or any member thereof would have if such examination had been had before the board itself. Commission to take evidence  
Powers of commissioner  
No. 16 of 1897, s. 40.

**40.** If any person so ordered to attend before the treasury board or any officer or person appointed as aforesaid fail without valid excuse to attend as ordered or to produce any document, paper or thing in his possession relating to the subject matter in question or refuse to be sworn or to answer any pertinent question put to him during his examination, such person shall be guilty of an offence and be liable on summary conviction thereof to a penalty of \$100 and in default of payment forthwith after conviction to imprisonment for a period not exceeding three months. Penalty in case witness fails to attend before board or commissioner  
No. 16 of 1897, s. 41.

#### PENALTIES AND REMEDIES FOR MALFEASANCE AND DEFAULT.

**41.** If any person refuses or neglects to transmit any account, statement or return with the proper vouchers to the officer or department to whom he is lawfully required to transmit the same on or before the day appointed for the transmission thereof, such person shall for every such refusal or neglect be guilty of an offence and be liable on summary conviction thereof to a penalty of \$100 and in default of payment forthwith after conviction to imprisonment for a period not exceeding three months. Refusal to transmit accounts  
No. 16 of 1897, s. 42.

**42.** Whenever the treasurer has reason to believe that any officer or person has received public money or money applied Persons receiving

public moneys  
and not  
accounting

How to be  
dealt with

cable to any public purpose and has not paid over or duly applied and accounted for the same he may by a notice in writing to such person (or to his representative in case of death) require that within a time to be named therein such money be paid over or applied and accounted for to the treasurer or the officer to be mentioned in the notice with proper vouchers. No. 16 of 1897, s. 43.

Proceedings  
where person  
fails to pay  
over money,  
etc., after  
notice

**43.** If any such person fail to pay over, apply or account for any such money or to transmit such vouchers within the time limited by the notice served on him, the treasurer shall state an account against such person in the matter to which the notice relates charging interest from the date of service thereof which statement or a certificate thereof shall be sufficient *prima facie* evidence to support any proceeding for the recovery of the amount thus shown to be in the hands of the said person as a debt due to the Crown. No. 16 of 1897, s. 44.

Judgment  
may be  
entered  
against officer  
in default

**44.** If at any time it appears clearly by the books of accounts kept by or in the office of any revenue officer or by his written acknowledgment or confession that he has by virtue of his office or employment received any public money amounting to a sum certain which he has failed to pay over to the officer duly appointed to receive the same and in the manner and at the time lawfully appointed, then (upon affidavit of the facts by any officer cognisant thereof and thereunto authorised by the Lieutenant Governor in Council made before a judge of the Supreme Court) such judge may direct a judgment to be entered therefor in the name of the attorney general against the officer so in default in the Supreme Court of the Territories in the judicial district in which such officer resides with such costs as the judge may direct upon which execution may be had as in cases of judgment obtained in the ordinary course of procedure in the said court. No 16 of 1897, s. 45.

Persons  
receiving  
money for  
specific  
purpose  
failing to so  
apply it

**45.** If any person has received public money for the purpose of applying it to any specific purpose and has not so applied it within the time or in the manner provided by law or if any person having held any public office and having ceased to hold the same has in his hands any public money received by him as such officer for the purpose of being applied to any specific purpose to which he has not so applied it, such person shall be deemed to have received such money for the Crown for the public uses of the Territories and may be notified by the treasurer to pay such sum back to him; and the same may be recovered from him in any manner in which debts to the Crown may be recovered and an equal sum may in the meantime be applied to the purpose to which such sum ought to have been applied. No. 16 of 1897, s. 46.

Officers liable  
for public  
moneys lost  
through  
malfeasance,  
etc.

**46.** If by reason of any malfeasance or of any gross carelessness or neglect of duty by any revenue officer any sum of money be lost to the Crown, such officer or person shall be accountable for such sum as if he had collected and received the



same; and it may be recovered from him by civil procedure in the Supreme Court at the suit of the attorney general on proof of such malfeasance, gross carelessness or neglect in like manner as if he had so collected and received it. No. 16 of 1897, s. 47.

**47.** If any revenue officer receive directly or indirectly any money, service, value or thing whatever from any person not legally authorised to pay or allow the same on account of anything done by him in any way relating to his office or employment except what he receives by Order or with the permission of the Lieutenant Governor in Council, every such officer shall on proof of the same to the satisfaction of the Lieutenant Governor be dismissed from his office or employment; and if any person (not being an officer duly authorised to pay or allow the same) give, offer or promise any such money he shall for every such gift, offer or promise be guilty of an offence and be liable on summary conviction thereof to a penalty of \$400 and in default of payment forthwith after conviction to imprisonment for a period not exceeding six months. No. 16 of 1897, s. 48.

Acceptance by officer of reward for official acts

**48.** All books, papers, accounts and documents of what kind soever kept or used by or in the possession of any revenue officer by virtue of his employment as such shall be deemed to be chattels belonging to Her Majesty; and all moneys or valuable securities received or taken into his possession by virtue of his employment shall be deemed to be moneys and valuable securities belonging to Her Majesty. No. 16 of 1897, s. 49.

Books, etc., of revenue officers property of Crown

**49.** Nothing contained in this Ordinance shall prevent, lessen or impair any remedy already given by law to Her Majesty or any other party. No. 16 of 1897, s. 50.

Other legal remedies not affected

#### MISCELLANEOUS PROVISIONS.

**50.** Upon all examinations and inquiries made by Order of the Lieutenant Governor in Council for ascertaining the truth as to any fact concerning the revenue or the conduct of revenue officers and upon like examinations and inquiries made by any person authorised by the Lieutenant Governor in Council to make the same, any person to be examined as a witness shall deliver his testimony on oath to be administered to him by the person making the examination or inquiry. No. 16 of 1897, s. 51.

Inquiries and examinations to be conducted under oath

**51.** The Lieutenant Governor whenever he deems it conducive to the public good and when great public inconvenience or great hardship and injustice to individuals would otherwise ensue may remit any tax or fee payable to Her Majesty imposed or authorised and relating to any matter within the scope of the Legislative Assembly or any forfeiture or pecuniary penalty imposed for any contravention of the laws relat-

Remission of taxes or fees in certain cases

ing to the revenue or to the management of any public work producing revenue although any part of such forfeiture or penalty be given by law to the informer or prosecutor or to any other party; and such remission may be made by any general regulation or by special order in any particular case; and may be total or partial, unconditional or conditional; but if conditional and the condition be not performed the order made in the case shall be null and void and all proceedings may be had and taken as if it had not been made. No. 16 of 1897, s. 52.

Statement of  
remissions to  
be furnished

**52.** A detailed statement of all remissions mentioned in the last preceding section shall be annually submitted to the Legislative Assembly within the first fifteen days of the next ensuing session thereof. No. 16 of 1897, s. 53.

Penalties and  
forfeitures

**53.** The attorney-general may sue for and recover in Her Majesty's name any penalty or forfeiture imposed by any law relating to the revenue; and the whole of such penalty or forfeiture shall belong to Her Majesty for the public uses of the Territories unless the Lieutenant Governor in Council do (as he may if he see fit) allow any portion thereof to the seizing officer or other person by whose information or aid the penalty or forfeiture has been recovered.

(2) The attorney-general may direct the discontinuance of any suit for any such penalty or forfeiture by whom or in whose name soever the same has been brought. No 16 of 1897, s. 54.

Existing  
appointments to  
continue

**54.** All commissions and appointments of revenue officers issued or made before the passing of this Ordinance shall continue in force unless and until revoked or altered by competent authority; and the nature of the duties and local extent of the powers of each officer shall (unless and until they be expressly altered and so far as they are not inconsistent with any Ordinance of the Legislative Assembly) remain the same as if granted or made under the authority of this Ordinance subject always to the provisions and enactments thereof; and all bonds which have been given by such officers or persons or their sureties shall remain in full force and effect. No. 16 of 1897, s. 55.

Bonds to  
remain in  
full force

#### TERRITORIAL AUDITOR.

Territorial  
auditor

**55.** For the complete examination of the public accounts of the Territories and for reporting thereon to the Legislative Assembly the Lieutenant Governor in Council may appoint an officer to be called the Territorial Auditor who shall hold office during good behaviour and shall be removable by the Lieutenant Governor on address of the Legislative Assembly; but he may at any time be suspended in office for cause assigned and another person temporarily appointed by the Lieutenant Governor in Council to act as Territorial auditor until the Legislative Assembly at its next session shall have considered and taken action in the premises. No. 16 of 1897, s. 56.

**56.** The Lieutenant Governor in Council shall from time to time appoint any officer, clerk or other person to be employed in the office of the auditor. No. 16 of 1897, s. 57. Assistants may be employed

**57.** The auditor shall have power to make from time to time orders and rules for the conduct of the internal business of his office and to prescribe regulations and forms for the guidance of departmental accountants in making up and rendering their accounts for examination: Auditor to make rules, etc.

Provided always that such rules, regulations and forms shall be approved by the treasury board previous to the issue thereof. No. 16 of 1897, s. 58, Subject to approval of treasury board

**58.** The auditor shall keep proper books of record of all revenues and expenditures of the Territories with an appropriation ledger in which the several appropriations and sub-appropriations shall be classified, containing an account under separate and distinct heads of every such appropriation or sub-appropriation (whether permanent or temporary) entering under each head the amounts drawn on account of such appropriation, with the dates and names of the parties to whom payments are made and the services for which they were respectively made. No. 16 of 1897, s. 59. Books of record to be kept

**59.** A uniform system of account books adapted to the requirements of each department in order to exhibit in a convenient form the whole of the receipts and of payment in respect of each vote shall be prepared by the auditor and submitted to the treasury board for approval before its adoption. No. 16 of 1897, s. 60. Uniform system of account books

**60.** The auditor shall check during each month the receipts and expenditures of the several departments for the calendar month previous from the books of the department wherein the transactions of such are regularly posted with the books of his office; and shall certify in the departmental books referred to the result of such audit and the date of inspection. No. 16 of 1897, s. 61. Auditor to check receipts and expenditures And certify same

**61.** The auditor shall examine, check and audit all accounts of receipts and expenditure of public moneys whether appertaining to the Territories or received or expended by the Territories on account of or in trust for any other party or parties. No. 16 of 1897, s. 62. Auditor to check accounts

**62.** All accounts against the Government of the Territories must be rendered in duplicate; the heads of the several departments or the officers, clerks or other persons charged with the expenditure of public moneys shall respectively audit the details of the accounts of the several services in the first instance and be responsible for the correctness of such examination; but such departmental examination shall not relieve the auditor from finally examining and auditing the accounts as provided for under this Ordinance. No. 16 of 1897, s. 63. Account to be rendered in duplicate Departmental examination

Vouchers  
after audit,  
how to be  
dealt with

**63.** After the correctness of any account has been certified to in the manner prescribed by the treasury board the same shall be handed to the auditor for final examination and audit; and upon the completion of such examination the original voucher shall be handed to the treasurer for retention the other to be returned to that branch of the service under the authority of which the expenditure has been incurred. No. 16 of 1897, s. 64.

Accounts to  
be examined  
by auditor

**64.** Every appropriation account shall be examined by the auditor on behalf of the Legislative Assembly and in the examination of such accounts the auditor shall ascertain—

His duties as  
to such  
accounts

(a) Whether the same is supported by vouchers or proofs of services having been rendered or supplies furnished; and

(b) Whether the money being expended is being applied to the purposes for which such grant was intended:

Provido as to  
re-examina-  
tion of  
accounts

Provided always that whenever the said auditor shall be required by the treasurer to make a re-examination of any appropriation account for the purpose of ascertaining whether the expenditure incurred under any such account is supported by proper authority and the payment applied as indicated by the voucher or of proof of payment or that a payment so charged did not occur within the period of the account or was for any reason not properly chargeable against the grant, the auditor shall examine such account with that object and shall report to the treasurer any expenditure which may appear upon such re-examination to have been incurred or applied without proper authority; and if the treasurer should not thereupon see fit to sanction such unauthorised expenditure it shall be regarded as not chargeable to a legislative grant and shall be reported to the Legislative Assembly in the manner herein provided. No. 16 of 1897, s. 65.

Report to  
Legislature

Method of  
examination  
of accounts

**65.** In conducting the examination of accounts or vouchers relating to the appropriation of the grants for the several services sanctioned by the estimates of the year, by any Ordinance of the Legislative Assembly, Act of the Parliament of Canada or Order of the Governor in Council, the auditor shall test the accuracy of the computations of the several items of such vouchers; and if he be satisfied that the accounts bear evidence that the vouchers have been completely checked, examined and certified as correct in every respect and that they have been allowed and passed by the proper departmental officers he may admit the same as satisfactory evidence of correctness in support of the charges to which they may relate but he shall not be thereby relieved from his responsibility in the matter:

Further  
examination

Provided always that if the treasurer should desire any vouchers to be examined by the auditor in greater detail, the auditor shall cause such vouchers to be subjected to such a detailed examination as the treasurer may think fit to prescribe. No. 16 of 1897, s. 66.

**66.** The cheques shall be prepared in the Treasury department and signed by the treasurer or such member of the Executive Council as may be appointed to act as treasurer under the provisions of section 18 of this Ordinance and countersigned by the auditor or other officer appointed thereunto duly authorised by Order in Council; and such cheques shall be entered in the books of the audit office; and it shall be the duty of the auditor with an official of the Treasury department not later than the tenth day of each month to examine the cheque books of that department for the calendar month previous comparing expenditure with his own appropriation books. No. 16 of 1897, s. 67.

Preparation  
of chequesEntering  
of same

**67.** It shall be the duty of the auditor (subject to the exceptions hereinafter provided for) to see that no cheque issues for the payment of public money for which there is no direct appropriation or which is in excess of any appropriation or in excess of such sums as may have been deposited with the Government of the Territories in trust for any person, persons or corporations. No. 16 of 1897, s. 68.

Duties of  
auditor as  
to issue  
of cheques

**68.** No cheque for public money shall issue (except upon the certificate of the auditor that there is legislative authority for the expenditure) save only in the following cases:

Certificate of  
auditor as to  
authority for  
expenditure

1. If upon any application for a cheque the auditor has reported that there is no legislative authority for issuing it then upon the written opinion of the attorney general that there is such authority, citing it, the treasurer irrespective of the auditor's report may cause the cheque to be prepared;

Exceptions  
On opinion  
of attorney  
general

2. If (when the Legislature is not in session) any accident happen to any public work or building which requires an immediate outlay for repair thereof or on any other occasion when any expenditure not foreseen or provided for or insufficiently provided for by the Legislature is urgently and immediately required for the public good, then upon the report of the treasurer that there is no legislative provision or (if any) that the amount is insufficient and of the head of the department having charge of the service in question that the necessity is urgent the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant Governor himself authorising the expenditure of the amount estimated to be required which shall be placed to the credit of the account and against which cheques may issue from time to time in the usual form as they may be required:

Extraordinary  
circumstances

3. If the auditor has refused to certify that a cheque of the treasurer may issue on the ground that the money is not justly due or that it is in excess of the authority granted by the Lieutenant Governor in Council or for any reason other than that there is no legislative authority, then upon a report of the case prepared by the auditor the treasury board shall be the judge of the sufficiency of the auditor's objection and may sustain him or order the issue of the cheque in its discretion;

Objections by  
auditorTreasury  
board to  
decide

4. It shall be the duty of the auditor in all such cases to pre-

Auditor to

prepare statement of special warrants, etc.

pare a statement of all such legal opinions, reports of Council, special warrants and cheques issued without his certificate and of all expenditure incurred in consequence thereof which he shall deliver to the treasurer to be by him presented to the Legislative Assembly at the same time at which the public accounts are presented;

Auditor to countersign all cheques

5. The auditor or any other person authorised to countersign cheques issued by the treasurer, shall before countersigning such cheques satisfy himself that the cheques are authorised under some one or other of the provisions of this Ordinance;

Not to apply to trust funds

6. No part of this section shall apply to moneys deposited with the Government of the Territories in trust for any person, persons or corporation. No. 16 of 1897, s. 69.

Payment not to be authorised without certificate of correctness

**69.** No payment shall be authorised by the auditor in respect of services rendered or supplies furnished by any person in connection with any part of the public service of the Territories unless (in addition to any voucher or certificate which may be required in that behalf) the person under whose special charge such part of the public service is certifies to the effect that such services have been rendered or such supplies furnished (as the case may be) and that the charge made is according to contract or (if not covered by contract) is fair and just:

Progressive estimates

Provided however that no cheque shall issue for the payment of any progressive estimate unless the voucher or certificate upon which such estimate is paid contains (so far as practicable) the details of the materials supplied and the services rendered except in the case of a payment as a progressive estimate when if owing to the nature of the work performed or material supplied it is impossible to render a statement in detail an accountable advance may be authorised as partial payment; but under no circumstances is a second advance to be made upon the same service until such first advance is duly accounted for. No. 16 of 1897, s. 70.

Differences between Auditor and department

**70.** Should any difference arise between the auditor and any department respecting the appropriations to which any authorised expenditure should be charged, such difference may be referred by the department to the treasury board; and the board shall determine in what manner and to what appropriation or account such expenditure shall be charged. No. 16 of 1897, s. 71.

Other accounts that Auditor may be required to examine and audit

**71.** Besides the appropriation accounts of the grants of the Legislature the auditor shall examine and audit (if required to do so by the treasurer and in accordance with any regulations that may be prescribed for his guidance in that behalf by the treasury board) the following accounts, that is to say: The accounts of all receipts of revenues forming the general revenue fund of the Territories, the accounts current with any bank or financial agent of the Territories, and any other public accounts which (though not relating directly to the receipts and expendi-

tures of the Territories) the treasurer or the treasury board may direct. No. 16 of 1897, s. 72.

**72.** The accounts which by the last preceding section the treasurer is empowered to subject to the examination of the auditor shall be rendered to him by the department or officer directed by the treasurer so to do; and the expression "accountant" (when used in this and the following sections of this Ordinance with reference to any such accounts) shall be taken to mean the officer that may be so required by the treasurer to render the same; and every public officer into whose hands public moneys (in the nature either of revenue or of fees of office) shall be paid by persons bound by law or by regulation to do so or by subordinate or other officers whose duty it may be to pay such moneys wholly or in part into the account of the treasurer or to apply the same to any public service shall (at such time and in such form as the treasury board shall determine) render an account of his receipts and payments to the auditor; and it shall be the duty of the clerk of the Executive Council to inform the auditor of the appointment of every such officer. No. 16 of 1897, s. 73.

Accounts under preceding section, by whom to be rendered

Officers collecting money to account to Auditor

**73.** In all cases where the auditor is required by the treasurer to examine and audit any accounts under the last two preceding sections, he shall (on the examination of such accounts being completed) transmit a statement thereof or a report thereon to the Treasurer who shall (if he think fit) signify his approval of such accounts; and the auditor on receipt of such approval shall thereupon transmit to the accountant a certificate in a form to be from time to time determined by the treasury board which shall be to such accountant a valid and effectual discharge from so much as he may thereby appear to be discharged from. No. 16 of 1897, s. 74.

Auditor shall submit a statement of his audit to Treasurer

**74.** In order that all examinations may as far as possible proceed simultaneously with the transactions of the several departments, the auditor shall have free access at all times to the books and other documents relating to the accounts of such departments and may require the several departments concerned to furnish him from time to time or at regular periods as may be directed by the treasurer with accounts of the transactions of such departments respectively up to such times or periods. No. 16 of 1897, s. 75.

Auditor to have access to books of departments

**75.** Every accountant on the termination of his charge as such accountant or (in case of a deceased accountant) his representatives shall forthwith pay over any balances of public money then due to the Crown in respect of such charge to the public officer authorised to receive the same; and in all cases in which it shall appear to the auditor that balances of public money have been improperly and unnecessarily retained by an accountant he shall report the circumstances of such cases to the treasurer who shall take such measures as to him may seem expedient for the recovery (by legal process or by other

Auditor to report improper detention of moneys

lawful ways and means) of the amount of such balance or balances together with interest upon the whole or on such part of such balance or balances as to the treasurer may appear just and reasonable. No. 16 of 1897, s. 76.

Report to  
Legislature

**76.** If the treasurer do not within the time prescribed by this Ordinance present to the Legislative Assembly any report made by the auditor on the appropriation accounts or any other accounts, the auditor shall forthwith present such report. No. 16 of 1897, s. 77.

Monthly  
statement of  
revenue and  
expenditure]

**77.** The auditor shall cause to be prepared for submission to the treasury board at the earliest possible moment after the end of each month a statement of the revenue and expenditure as shown by his books on account of the various services up to the date named. No. 16 of 1897, s. 78.



## CHAPTER 11.

### An Ordinance respecting Public Printing.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

**1.** The Lieutenant Governor may appoint a Queen's printer <sup>Appointment of Queen's printer</sup> for the Territories and may fix the salary and prescribe the duties appertaining to the office. R.O. c. 2, s. 1 ; No. 38 of 1897, s. 6 (1.)

**2.** The Lieutenant Governor in Council may authorise the <sup>Publication of official gazette</sup> publication twice in each month of an official gazette, to be called *The North-West Territories Gazette*, for the publication of proclamations, official and other notices and of all such matters whatsoever as may be from time to time required. R.O. c. 2, s. 2 ; No. 38 of 1897, s. 6. (2) ; No. 5 of 1898.

**3.** It shall be the duty of the Queen's printer (subject to the <sup>Printing and publication of Ordinances, Gazette, etc.</sup> direction of the Lieutenant Governor in Council) to print and publish or cause to be printed and published the Ordinances of the Territories, *The North-West Territories Gazette*, and such documents and announcements as may from time to time be required. R.O. c. 2, s. 3.

**4.** All advertisements, notices and documents whatever relating to matters within the control of the Legislative Assembly <sup>Publication of advertisements, etc.</sup> of the Territories and which by any law are required to be published shall be published in the said official gazette unless any other mode of publication is prescribed by law. R. O. c. 2, s. 4.

**5.** The Lieutenant Governor in Council shall prescribe the <sup>Gazette</sup> conditions of the publication of the said gazette ; and shall designate the public bodies, officers and persons to whom the said gazette shall be sent ; and shall make a tariff of charges to <sup>Conditions and charges for publication and subscription</sup> be paid for the publication of notices, advertisements and documents to be published in the said gazette and the price of subscription to said gazette. R.O. c. 2, s. 5.

## CHAPTER 12.

### An Ordinance Respecting Inquiries Concerning Public Matters.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

**Commissions  
of inquiry**

**1.** The Lieutenant Governor in Council may, when he deems it expedient to cause inquiry to be made into and concerning any matter within the jurisdiction of the Legislative Assembly and connected with the good government of the Territories or the conduct of the public business thereof, appoint commissioners to make such inquiry and to report thereon. No. 2 of 1895, s. 1.

**Powers of  
commissioners**

**2.** The Lieutenant Governor may by the commission by which he appoints them confer upon the commissioners the power of summoning witnesses before them and to require such witnesses to give evidence on oath, orally or in writing or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such documents and things as the commissioners may deem requisite to the full investigation of the matters into which they are appointed to inquire ; and the commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases. No. 2 of 1895, s. 2.

**Inspection of  
public offices**

**3.** The Lieutenant Governor in Council may appoint one or more inspectors to visit and inspect the office of any clerk or deputy clerk of the Supreme Court, any sheriff or deputy sheriff or registration clerk and make all proper inquiries as to the maintenance, management and affairs of any such office ; and by examination of the books and by such other means as he may deem necessary such inspector shall particularly satisfy himself as to the correctness of any returns required under any Ordinance or under any Order of the Lieutenant Governor in Council to be made by the officer whose office he is inspecting upon all which matters the inspector shall make report to the Lieutenant Governor. No. 6 of 1898, s. 1.

## CHAPTER 13.

### An Ordinance Respecting Security to be Given by Public Officers.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Every person appointed to any office or employment by or under the Government of the Territories or to any office or employment of public trust or wherein he is concerned in the collection, receipt, disbursement or expenditure of any public money and who by reason thereof is required to give security shall within one month after notice of such appointment if he is then in the Territories or within three months if he is then absent from the Territories (unless he sooner arrives in the Territories, and then within one month after such arrival) give and enter into a bond or bonds or other security or securities in such sum and with such sufficient sureties as are approved of by the Lieutenant Governor in Council or by such other officer or person as they may appoint for the due performance of the trust reposed in him and for his duly accounting for all public moneys entrusted to him or placed under his control. R.O. c. 4, s. 1. Persons to furnish security
2. Whenever any person is required under this Ordinance or by any Order of the Lieutenant Governor in Council to give bond or security for the due performance of the duties of any office to which he has been or is about to be appointed, such person may either solely or together with any sureties as the case may be give such securities by bond in the form A in the schedule to this Ordinance or to the like effect. R.O. c. 4, s. 2. Bond solely or with sureties
3. Whenever a bond made according to said form A or any other bond (expressed to be made in pursuance of this Ordinance or referring thereto) contains the form of words set forth in column one of the said form, such bond shall be construed and have the same effect as if it contained the form of words set forth in column two of the said form. R.O. c. 4, s. 3. Short form
4. Any recitals may be inserted prior to the condition of the bond and the feminine gender may be substituted for the masculine or the plural number for the singular or *vice versa* in any form in the first column of the said form and corresponding changes shall in such case be taken to be made in the corresponding form in the second column; and any express exceptions or qualifications or additions made, introduced or annexed in the first column shall be taken to be made in the corresponding form in the second column. R.O. c. 4, s. 4. Adaptation of form

Irregularities  
not to affect  
liability

5. Any bond or part of a bond which does not take effect by virtue of the three sections of this Ordinance next preceding shall nevertheless be as effectual to bind the obligors therein so far as the rules of law and equity will permit as if the said sections had not been passed. R.O. c. 4, s. 5.

Sureties to  
justify

6. Every surety in any such bond shall make the affidavit in the form B in the schedule to this Ordinance or to the effect thereof; and every such bond or security shall be proved as to the due execution and delivery of the same by an affidavit of the attesting witness; and every such bond or security with the several affidavits thereunto annexed shall be registered in the office of the Territorial secretary and the original bond or security and the affidavits thereunto annexed shall be retained in the said office and such bond or security shall be registered within one month after being entered into or given if the person on whose behalf it is entered into or given resides or is in the Territories and if he is absent from the Territories then within three months after being entered into or given unless such person arrives sooner in the Territories and then within one month after such arrival.

Attestation

Registration  
of bond

Register  
of bonds

(2) The Territorial secretary shall for the purpose of so registering bonds or securities provide a separate register book every page of which and every bond or security recorded therein shall be numbered and the day of the month and year when every such bond or security is registered shall be entered in the margin of the said register book and in the margin of the bond or security.

List of  
principals  
and sureties

(3) The Territorial secretary shall keep separate alphabetical lists of the names of the principals and of the names of the sureties mentioned in such bonds or securities with reference to the book, page or number where the bonds or securities containing such names are to be found and shall enter and register the said bonds or securities in the same order of time in which they respectively come to his hands.

Certified  
copies

(4) Copies of all bonds or securities registered as aforesaid certified by the Territorial secretary shall be received in all courts of civil jurisdiction in the Territories as *prima facie* evidence of the due execution and the contents thereof; and for every such copy certified as aforesaid a fee of one dollar shall be payable to the general revenue fund. R.O. c. 4, s. 6. No. 38 of 1897, s. 50 (1. 2.); No. 7 of 1898.

Failure to  
give security

7. If any person who is required to give, register and deposit any such bond or security as aforesaid neglects to do so, he shall be liable to forfeit the appointment in respect whereof such security should have been given and such appointment shall be void from and after the time when the Lieutenant Governor in Council declares the same to be void under this Ordinance; but such voidance shall not annul or make void any act or other matter or thing done by such person during the time he actually held such appointment.

(2) No such forfeiture shall take place by reason of any such bond or security not being registered or deposited if the proper sureties have been given and the proper bond made out when the failure of registry and deposit have arisen from the loss of such bond or security in the transmission thereof from a distance; but in every such case a new bond or security specifying the reason of such delay shall be made out and signed, registered and deposited within the like period after the person giving such security receives notice of the loss (regard being had to the place where he then is) as is required by this Ordinance for the registry thereof if such loss had not occurred. R.O. c. 4, s. 7.

Exception  
where  
security lost

8. Every such person as aforesaid who has given any bond or other security with surety or sureties for the due execution of the trusts reposed in him or for duly accounting for public moneys coming to his hands shall give notice in writing to the Territorial secretary of the death, bankruptcy, insolvency or residence out of the Territories of any surety or person bound for or with him in any such security.

Death,  
insolvency or  
non-residence  
of surety

(2) Such notice shall be given within one month after the fact comes to the knowledge of such person as aforesaid; and any person who neglects to give such notice within such period shall forfeit to the use of the Territories one fourth part of the sum for which the surety so dead, bankrupt, insolvent or resident out of the Territories became security recoverable in any civil court at the suit of the attorney general.

Default in  
giving notice,  
penalty

(3) Every such person who (upon the death, bankruptcy, insolvency or residence out of the Territories of any surety) neglects to give the security of another surety to be approved in like manner as such surety dying or becoming bankrupt, insolvent or resident out of the Territories was approved, within such period from his having given notice of the death, bankruptcy or insolvency or residence out of the Territories of the former surety as is by this Ordinance limited for giving, registering and depositing the original security or neglects to register and deposit the bond or security of such new surety within such period from his having given the security of such new surety as is by this Ordinance limited for the registering and depositing of the original bond or security (the same regard being had to the place in which the person then is) shall be liable to forfeit his appointment of office, employment or commission in respect whereof such new security ought to have been given and such new bond or security registered and deposited as aforesaid; and his appointment shall be void from and after the time when the Lieutenant Governor in Council declares the same to be void in like manner and under and subject to such provisions as aforesaid. R.O. c. 4, s. 8; No. 38 of 1897, s. 50 (3, 4, 5); No. 7 of 1898, s. 3.

Omission to  
furnish new  
security

9. When any person has become security for the due accounting for public moneys or the proper performance of any public duty by any such person as aforesaid, such surety (when no

Withdrawal  
of surety

longer disposed to continue such responsibility) may give notice thereof to his principal and also to the Territorial secretary and all accruing responsibility on the part of such person as such surety shall cease at the expiration of three months from the receipt of the last of such notices or upon the acceptance by the Lieutenant Governor in Council of the security of another surety whichever first happens; and the principal shall (within one month from the receipt of the last of such notices) give the security of another surety and register and deposit the bond of such new surety or in default of so doing shall be liable to forfeit and be deprived of the appointment in respect whereof such new security ought to have been given and deposited as aforesaid; and his appointment shall be void from and after the time when the Lieutenant Governor in Council declares the same to be void in like manner and under and subject to such provisions as aforesaid. R.O. c. 4, s. 9; No. 38 of 1897, s. 50 (6).

Acceptance of  
security after  
proper time

**10.** The Lieutenant Governor in Council may approve of the security given by any public officer although perfected after the time limited by this Ordinance; and in such case the office shall be deemed not to have been voided by such default but to have remained and to remain in full force and effect; and no act of any such public officer shall by such default be void or voidable. R.O. c. 4, s. 10.

Securities  
executed at  
different times  
Registration

**11.** When the securities of the principal and sureties have been executed at different times (whether they were taken in one and the same bond, deed or other instrument or in different ones), the period limited for registering and depositing such securities shall be estimated from the time of execution thereof by the person who was the last to execute the bond, deed or other instrument or the last bond, deed or other instrument as the case may be. R.O. c. 4, s. 11.

Irregularities  
in providing  
security

**12.** No neglect, omission or irregularity in giving or receiving the bonds or other securities or in registering the same within the periods or in the manner prescribed by this Ordinance shall vacate or make void any such bond or security or discharge any surety from the obligations thereof. R.O. c. 4, s. 12.

Registration  
after time

**13.** All bonds or other securities hereby required to be registered and deposited shall be registered and deposited by the proper officer notwithstanding the period prescribed for registering and depositing the same has expired; but no such registering and depositing of any such bond or other security shall be deemed to waive any forfeiture or penalty or shall exempt the person on whose behalf the same is registered and deposited from any forfeiture or penalty under any of the provisions of this Ordinance. R.O. c. 4, s. 13.

Guarantee  
company's  
bond

**14.** Whenever any public officer is required to give security for the performance of his duties or other security of a like nature and whether such security inures for the benefit of the Territories or of any person injured by the default or miscon-

duct of such officer, the Lieutenant Governor in Council may direct that the bond or policy of guarantee of any incorporated joint stock company empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of public officers or other like purposes may be accepted as such security upon such terms as may be determined by the Lieutenant Governor in Council; and the provisions of law with reference to the legal effect of such securities when given by individuals, to the filing thereof and to the mode of proceeding thereon shall apply to the security given by every such company. R.O. c. 4, s. 14.

**15.** The interim receipt of such company may be accepted in lieu of the formal security but the formal security shall be completed within four months from the date of such receipt. R.O. c. 4, s. 15.

## SCHEDULE.

### FORM A.

Know all men by these presents that we, \_\_\_\_\_ of \_\_\_\_\_ in the North-West Territories of the Dominion of Canada (hereinafter called "the principal") and \_\_\_\_\_ of \_\_\_\_\_ in the said Territories and \_\_\_\_\_ of \_\_\_\_\_ in the said Territories (hereinafter called "the sureties"), are respectively held and firmly bound unto our Sovereign Lady the Queen, her heirs and successors, in the respective penal sums following, that is to say: the principal in the sum of \_\_\_\_\_ dollars of lawful money of Canada, and each of the sureties in a sum of \_\_\_\_\_ dollars of like lawful money, to be paid to our said Sovereign Lady the Queen, her heirs and successors, for which said respective payments well and faithfully to be made we severally,—and not jointly, or each for the other,—bind ourselves, and our respective heirs, executors and administrators, firmly by these presents, sealed with our respective seals.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand \_\_\_\_\_ and in the \_\_\_\_\_ year of Her Majesty's reign.

Whereas the principal having been appointed to the office or employment of \_\_\_\_\_ is required by law to give security to the Crown for the due performance of the duties appertaining thereto, and the sureties have consented to become his sureties for such his performance of the said duties, and this bond is given in pursuance of *An Ordinance respecting Security to be given by Public Officers.*

## COLUMN ONE.

Now the condition of this obligation is that if the principal faithfully discharges the duties of the said office and duly accounts for all moneys and property which come into his custody by virtue of the said office, this obligation shall be void.

Signed, sealed and delivered in the presence of }

## COLUMN TWO.

Now the condition of the above obligation is such that if the principal so appointed to the said office or employment as aforesaid, do and shall from time to time and at all times, so long as he shall hold the said office or employment or be and remain charged with the actual discharge of the duties appertaining thereto, or any of them, faithfully, honestly, and diligently do, perform, fulfill and discharge all and every such duties, in every respect in accordance with the laws now in force in that behalf, as also all and singular such other duties as by competent authority in that behalf now are or hereafter shall or may be attached to the said office or employment, or imposed upon or required to be performed by the incumbent for the time being of the said office or employment, whether such last mentioned duties are regulated or imposed by any Ordinance or Ordinances of the Territories heretofore passed or that may hereafter be passed by the Legislative Assembly of the said Territories or by any Order or regulations made under any such Ordinance, and whether such duties are extended, increased or otherwise varied or altered by any such Ordinance or Ordinances so to be passed, or by any such Order or regulations as aforesaid, or are regulated or imposed, or are extended, increased or otherwise varied or altered by competent authority, and shall duly account for and pay over all such moneys or securities for money or valuable securities or property as shall come into his hands, custody or control by



virtue of or in consequence of his holding the said office ;

And further, if the principal, upon his removal from, or his resignation of the said office or employment, or if in the event of his death during his tenure of the said office or employment, his legal representatives, or some or one of them, do and shall quietly surrender and deliver up the same, and all the moneys, securities for money, valuable securities, or property, books, papers, instruments, instructions, maps, plans, letters and writings, and other things whatever, which then may be, or ought to be, in his possession, custody or keeping, by virtue of or in consequence of his holding the said office, or relating or in anywise appertaining thereto, then the above obligation shall be null and void and of no effect : otherwise the same shall be and remain in full force and virtue.

AFFIDAVITS TO BE ANNEXED TO THE BOND.

AFFIDAVIT OF WITNESS.

|   |   |  |   |   |      |
|---|---|--|---|---|------|
| CANADA :<br>North-West Territories,<br>to wit : | } | I, C.D., of<br><br><br>in the<br>North-West Territories, make oath and say that I was personally present, and did see<br>the obligors in the above bond or writing obligatory named,<br>duly execute the said instrument by signing, sealing and,<br>as their respective acts and deeds, delivering the same, and that<br>I am a subscribing witness to such execution.<br><br>Sworn before me at<br>in the said Territories, this<br>day of<br>one thousand | } | A.D.<br><br><br><br><br><br><br><br><br><br>(Signature) | C.D. |
| (Signature)                                     | } | A.B.,  | } |   |      |

(A separate affidavit in this form shall be made by a witness to the execution of each obligor, if the same person does not witness the execution by all of them.)

## FORM B.

CANADA : } I, *A.B.*, one of the sureties in the  
 North-West Terri- } annexed bond named, make oath and  
 tories, to wit : } say, as follows :

1. I am seized and possessed to my own use of real (*or* real and personal) estate at \_\_\_\_\_ in the North-West Territories of the actual value of \$ \_\_\_\_\_ over and above all charges upon or incumbrances affecting the same.

2. My post office address is as follows :

|                    |               |             |          |
|--------------------|---------------|-------------|----------|
| Sworn before me at | } (Signature) | <i>A B.</i> |          |
| this day of        |               |             | A.D. one |
| thousand           |               |             |          |
| (Signature)        |               |             | C.D.     |

(*A separate affidavit to be made by each surety.*)

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 INDORSEMENT ON BOND.

The indorsement on the bond shall show : 1. The date of its receipt by the Territorial Secretary. 2. The names of the principal and sureties, and the amount for which each is bound. 3. The date of the bond. 4. The office for the faithful discharge of the duties whereof it is given. 5. The registration number. 6. The folio on which it is entered in the register of bonds. R.O. c. 4.

## CHAPTER 14.

### An Ordinance respecting the Registration of Births, Marriages and Deaths.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Vital Statistics Ordinance.*" No. 34 of 1897, s. 1.

#### INTERPRETATION.

2. In this Ordinance unless the context otherwise requires—

1. The expression "minister" means the member of the "Minister" Executive Council administering this Ordinance ;

2. The expression "department" means the department presided over by the minister administering this Ordinance ;

3. The expression "occupier" where used in sections eight and twelve of this Ordinance shall be construed to include the master, governor, keeper, warden or superintendent of a gaol, prison, penitentiary, lunatic asylum, poor asylum, hospital or other public or private charitable institution. No. 34 of 1897, s. 2.

#### ADMINISTRATION.

3. The Lieutenant Governor in Council may direct this Ordinance to be administered by any member of the Executive Council by name or otherwise ; and in the absence of any such direction the Ordinance shall be administered by the Territorial secretary. No. 34 of 1897, s. 3.

#### REGISTRATION DIVISIONS—REGISTRARS.

4. For the purposes of this Ordinance the Lieutenant Governor in Council shall establish divisions for the registration of births, marriages and deaths occurring within the limits of such divisions and shall appoint registrars therefor. No. 34 of 1897, s. 4.

5. The department shall from time to time supply the registrars with the forms necessary for the discharge of the duties herein imposed on them ; and it shall be the duty of such registrars to apply to the department for the issue of such forms whenever they may require them.

(2) The costs and expenses of such forms and the expenses attendant upon the distribution thereof shall be paid out of the general revenue fund of the Territories.

(3) In case of the termination of the appointment of any registrar by death, resignation or otherwise, all such forms and other matters pertaining to his duties under this Ordinance in his possession or that of his representative shall be forthwith delivered to his successor. No. 34 of 1897, s. 5.

Monthly  
returns

**6.** Each registrar shall within the first week of each month in every year transmit to the department duly certified under his hand the forms containing the original entries of all births, marriages or deaths reported to him during the previous month. No. 34 of 1897, s. 6,

Registrar's  
fees

**7.** Each registrar shall receive a fee to be paid out of the general revenue fund of the Territories of twenty-five cents for each birth, marriage or death reported to him and duly returned to the department as herein provided. No. 34 of 1897, s. 7.

#### REGISTRATION OF BIRTHS.

Persons to  
register births

**8.** The father of any child born in the Territories or (in case of his death or absence) the mother or (in case of the death or inability of both parents) any person standing in the place of the parents or if there is no such person then the occupier of the house or tenement in which to his knowledge the child was born or the nurse present at the birth shall within one month from the date of the birth give notice thereof to the registrar of the division in which the child was born, giving as far as possible the particulars required in form A in the schedule to this Ordinance with such additional information as may be required by the minister from time to time. No. 34 of 1897, s. 8.

Registration  
of illegitimate  
children

**9.** In registering the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father unless at the joint request of the mother and of the person acknowledging himself to be the father; and in all cases of the registration of the birth of illegitimate children the registrar shall write the word "Illegitimate" in the column set apart for the name of the child and immediately under the name if any. No. 34 of 1897, s. 9.

Alterations

**10.** When the birth of any child has been registered and the name (if any) by which it was registered has been altered or (if it was registered without a name) when a name is given it, the parent or guardian of the child or other person procuring such name to be altered or given may within two years next after the date of the birth deliver to the department a certificate signed by the clergyman or person who performed the rite of baptism upon which the name was given or altered or (if the child is not baptised) signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered; and the necessary alterations shall be made in margin of the form containing the original

entry without making any alteration in the original entry.  
No. 34 of 1897, s. 10.

#### REGISTRATION OF MARRIAGES.

**11.** Every clergyman, minister or other person authorised by law to celebrate marriages shall be required to report every marriage he celebrates to the registrar of the division within which the marriage is celebrated within one month from the date of the marriage with the particulars required by form B in the schedule to this Ordinance; and in order to better enable the clergyman, minister or other person to make the report as aforesaid he shall be furnished (on demand) by the registrar of the division in which he resides with blank forms containing the particulars required by said form B. No. 34 of 1897, s. 11.

Officiating  
clergyman  
to report

#### REGISTRATION OF DEATHS.

**12.** The occupier of the house or tenement in which a death takes place or (if the occupier be the person who has died then) some one of the persons residing in the house in which the death took place or (if the death has not taken place within a house then) any person present at the death or having any knowledge of the circumstances attending the same or the coroner attending any inquest held on such person shall supply to the registrar of the division in which the death took place according to his or her knowledge or belief all the particulars required to be registered touching such death, according to form C in the schedule to this Ordinance. No. 34 of 1897, s. 12.

Who shall  
register  
deaths

**13.** Every registrar shall (immediately upon registering any death or as soon thereafter as he is required so to do) without fee or reward deliver to any person requiring the same for the purpose of burial a certificate according to form D in the schedule to this Ordinance that the particulars of such death have been duly registered. No. 34 of 1897, s. 13.

Certificate of  
registration

**14.** Every clergyman, minister or other person who buries or performs any funeral or religious service for the burial of any dead body (unless he has received a certificate under the hand of the registrar of the division in which the death took place according to form D in the schedule to this Ordinance that the particulars of the death have been duly registered) shall within one month make a return of such death according to form C in the schedule to this Ordinance to the registrar of the division in which the death took place. No. 34 of 1897, s. 14.

Clergyman  
to register  
deaths, if not  
registered  
before burial

**15.** Every duly qualified medical practitioner who was last in attendance during the last illness of any person shall (within one month after having notice or knowledge of the death of such person) transmit to the registrar of the division in which the death took place a certificate under his signature of the cause of death according to form E in the schedule to this Ordinance.

Doctor to  
report cause  
of death

nance; and it shall be the duty of every such medical practitioner to apply to the said registrar for blank forms for that purpose; and upon the receipt of the certificate from the medical practitioner by the registrar he shall attach the same to the form as provided in form C in the schedule hereto containing the particulars of such death. No. 34 of 1897, s. 15.

Cemetery  
caretakers  
to report  
burials unless  
previously  
registered

**16.** Every superintendent, caretaker or owner of any cemetery or burial ground whether public or private permitting any dead body to be interred in the grounds over which he has charge (unless he receives a certificate under the hand of the registrar of the division in which the death took place that the particulars of the death have been duly registered) shall give to the registrar within seven days after the burial a written notice under his hand stating according to his knowledge, information and belief the name and residence of the deceased and the date and place at which the death and burial took place. No. 34 of 1897, s. 16.

#### PENALTY FOR DEFAULT OF REGISTERING.

Penalty for  
neglect of  
registration

**17.** If any person required by this Ordinance to report births, marriages, deaths or burials, refuses or wilfully neglects to do so within the time named, such person shall be guilty of an offence and on summary conviction thereof forfeit and pay a sum not less than \$1 nor more than \$50; and it shall be the duty of registrars to prosecute all such persons so neglecting or refusing to make the required reports within the limits of their respective divisions; but nothing contained in this section shall prevent persons other than registrars from prosecuting defaulters. No. 34 of 1897, s. 17.

#### CORRECTION OF ERRORS—SUBSEQUENT REGISTRATION.

Correction of  
erroneous  
entry, etc.

**18.** If it is discovered that any error has been made in the entry of any birth, marriage or death then (upon the same being reported to the proper registrar) it shall be his duty to inquire into the same and if satisfied that an error has been committed it shall be lawful for him to make the necessary alteration in the margin of the form containing the original entry without any alteration in such original entry; and if the original entry of such birth, marriage or death has been transmitted to the department he shall report to the department according to the facts of the case so as to secure the correction of such erroneous entry in the margin of the form containing the original entry. No. 34 of 1897, s. 18.

Registration  
after two years

**19.** Every registration of a birth, marriage or death shall be made within the time specified; but nothing herein contained shall prevent the subsequent registration of such birth, marriage or death within the period of two years.

(2) After the expiration of two years after the date of any birth, marriage or death, the particulars of such birth, marriage or death shall not be registered except with the written author-

ity of the minister and the fact of such authority having been given shall be entered in the column set apart for remarks in the registration form. No. 34 of 1897, s. 19.

#### RETURNS.

**20.** The returns of births, marriages and deaths shall be transmitted by registrars to the department by registered mail; and shall be arranged, indexed and kept in the archives of the department; and any person shall be entitled to have them searched during the regular business hours of the department on payment of twenty-five cents for each search and to require extracts duly certified by the minister on payment of fifty cents for each such certificate. Vital statistics returns to be kept in department  
Fees for search and certificate

(2) In case such searches be required to be made and extracts to be furnished before the returns have been transmitted to the department as required by this Ordinance, any registrar shall as to the returns in his possession allow such searches to be made and shall furnish certified extracts on payment to him of the fee or fees as provided in this section; but any registrar who may not have transmitted his returns as required by this Ordinance shall not allow such searches to be made or give such certified extracts after the date when such returns should have been transmitted:

Provided that any coroner shall be entitled to have the returns of births, marriages and deaths searched free of charge by the registrar or other officer having charge of such returns in respect of any inquiry pending before him and to receive extracts duly certified therefrom free of charge. Proviso

(3) Such certified extracts shall be evidence of the entry and *prima facie* evidence of the facts therein stated in any court. No. 34 of 1897, s. 20.

#### REGULATIONS.

**21.** The Lieutenant Governor in Council may from time to time make such further rules, orders and regulations as may be required for the purpose of effectually obtaining the information required by this Ordinance. No. 34 of 1897, s. 21. Lieut. Governor in Council may make rules

#### PENALTIES AND PROSECUTIONS.

**22.** Any person who knowingly or wilfully makes or causes to be made a false statement touching any of the particulars required to be reported and entered under this Ordinance shall be guilty of an offence and liable upon summary conviction thereof to a penalty of \$25. No. 34 of 1897, s. 22. Penalty for false statement

**23.** For the purpose of proceedings under this Ordinance or any order or regulation made thereunder, every offence against this Ordinance or any such order or regulation shall be deemed to have been committed and every cause of complaint under this Ordinance or any such order or regulation shall be deemed to have arisen either in the place in which the same actually was committed or arose or in any place in which the person charged or complained against happens to be. No. 34 of 1897, s. 23. Place of offence hereunder

## SCHEDULE.

## FORM A

No. . . . of 1

## REGISTRATION OF BIRTH.

Registration Division of

|   |  |
|---|--|
| When Born                                     |  |
| Name  |  |
| Sex<br>(male or female.)                      |  |
| Name and surname<br>of father.                |  |
| Name and sur-<br>name of mother.              |  |
| Rank or profession<br>of father.              |  |
| Description and<br>residence<br>of informant. |  |
| Name of doctor<br>in attendance<br>(if any).  |  |
| Remarks.                                      |  |

I hereby certify the foregoing to be true and correct to the best of my knowledge and belief.

Given under my hand at                      the                      day of                      1  
*Informant.*

I hereby certify the foregoing to be the true and correct original entry of birth returned to me on the above mentioned date.

Given under my hand at                      the                      day of                      1  
*Registrar.*



## FORM B.

No.....of 1

## REGISTRATION OF MARRIAGE.

Registration Division of

|                                    |             |
|------------------------------------|-------------|
|                                    | BRIDEGROOM. |
| His name.                          |             |
| Age.                               |             |
| Residence when married.            |             |
| Place of birth.                    |             |
| Bachelor or widower (B or W).      |             |
| Rank or profession.                |             |
| Religious denomination.            |             |
| Names of parents.                  |             |
|                                    | BRIDE.      |
| Her name.                          |             |
| Age.                               |             |
| Residence when married.            |             |
| Place of birth.                    |             |
| Spinster or widow (S or W).        |             |
| Religious denomination.            |             |
| Names of parents.                  |             |
| Names and residences of witnesses. |             |
| Date of marriage.                  |             |
| By License or banns (L or B).      |             |
| Remarks.                           |             |

I hereby certify the foregoing to be true and correct to the best of my knowledge and belief.

Given under my hand at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 1

*Officiating Clergyman.*

I hereby certify the foregoing to be the true and correct original entry of marriage returned to me on the above mentioned date.

Given under my hand at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 1

*Registrar.*

## FORM C.

No.....of 1

## REGISTRATION OF DEATH.

Registration division of

|   |  |
|---|--|
| Name and surname<br>of deceased.                        |  |
| When died.  |  |
| Sex<br>(male or female.)                                |  |
| Age.  |  |
| Rank or<br>profession.                                  |  |
| Where born.   |  |
| Certified cause of<br>death and duration<br>of illness. |  |
| Name of physician<br>(if any.)                          |  |
| Religious<br>denomination.                              |  |
| Description and<br>residence<br>of informant.           |  |
| Remarks.  |  |

I hereby certify the foregoing to be true and correct to the best of my knowledge and belief.

Given under my hand at                      the                      day of                      1  
*Informant.*

I hereby certify the foregoing to be the true and correct original entry of death returned to me on the above mentioned date.

Given under my hand at                      the                      day of                      1  
*Registrar.*

## FORM D.

I, \_\_\_\_\_, Registrar of the Registration  
 Division of \_\_\_\_\_, do hereby certify that the  
 particulars of the death of \_\_\_\_\_  
 have been duly registered.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of  
 1 \_\_\_\_\_

*Registrar.*

## FORM E.

Registration Division of \_\_\_\_\_

| Name and<br>surname of<br>deceased. | Sex. | Resi-<br>dence. | Rank or<br>profession. | Duration<br>of<br>illness. | Cause of<br>death. |
|-------------------------------------|------|-----------------|------------------------|----------------------------|--------------------|
|                                     |      |                 |                        |                            |                    |
|                                     |      |                 |                        |                            |                    |
|                                     |      |                 |                        |                            |                    |
|                                     |      |                 |                        |                            |                    |
|                                     |      |                 |                        |                            |                    |
|                                     |      |                 |                        |                            |                    |
|                                     |      |                 |                        |                            |                    |
|                                     |      |                 |                        |                            |                    |
|                                     |      |                 |                        |                            |                    |

I hereby certify the foregoing to be a true and correct certi-  
 ficate of the cause of the death of the person therein named.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day  
 of \_\_\_\_\_, 1 \_\_\_\_\_

*M.D.*

## CHAPTER 15.

### An Ordinance respecting the Expropriation of Lands

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Expropriation Ordinance.*" No. 10 of 1889, s. 1.

#### INTERPRETATION.

|                  |  |
|------------------|--|
| Interpretation   | <b>2.</b> In this Ordinance unless the context otherwise requires—   |
| "Public Work"    | 1. The expression "public work" means the laying out, constructing and improving any dam, drain, ditch, bridge, culvert, approach to a ferry, public highway or public well, the construction of public buildings and the acquisition of land for school buildings, or for the construction of reservoirs for the storage of water : |
| "Commissioner"   | 2. The expression "commissioner" means the commissioner of public works :  |
| "Department"     | 3. The expression "department" means the department of public works ;  |
| "Chief Engineer" | 4. The expression "chief engineer" means the chief engineer and surveyor of the department of public works ;   |
| "Surveyor"       | 5. The expression "surveyor" means a duly qualified Dominion land surveyor, authorised to survey Dominion lands. No. 28 of 1897, s. 1.   |

#### POWER TO TAKE LAND, ETC.

|                                 |   |
|---------------------------------|---|
| Powers of the commissioner      | <b>3.</b> The commissioner may by engineers, superintendents, agents, workmen and servants—   |
| Entering lands                  | 1. Enter into and upon any land to whomsoever belonging and survey and take levels of the same and make such borings or sink such trial pits as he deems necessary for any purpose relative to a public work ;  |
| Taking possession               | 2. Enter upon and take possession of any land the appropriation of which is (in his judgment) necessary for the use, construction, maintenance or repair of any public work or for obtaining better access thereto ;  |
| Deposit or removal of materials | 3. Enter with workmen, carts, carriages and horses upon any land and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the land required for public work or for the purpose of digging up, quarrying and carrying away earth, stones, gravel or other material and cutting down and carrying away trees, bushes, logs, poles and brushwood therefrom for the making, constructing, maintaining or repairing the public work ; |

4. Make and use all such temporary roads to and from such <sup>roads</sup> timber, stones, clay, gravel, sand or gravel pits as are required by him for the convenient passing to and from the works during their construction and repair;

5. Enter upon any land for the purpose of making proper <sup>Drains</sup> drains to carry off the water from the public work or for keeping such drains in repair;

6. Divert or alter (as well temporarily as permanently) the <sup>Divert streams or roads</sup> course of any brook, rivulet, road, street or way or raise or sink the level of the same in order to carry it over or under, on the level of or by the side of the public work as he thinks proper; but before discontinuing or altering any public road another convenient road in lieu thereof shall be substituted; and the land theretofore used for any road or part of a road so discontinued may be transferred by the commissioner to, and shall thereafter become the property of, the owner of the land of which it originally formed a part:

7. Divert or alter the position of any water pipe, gas pipe, <sup>Pipes, wires, sewer, drain or any telephone or electric light wire or pole. No. poles</sup> 10 of 1889, s. 3; No. 28 of 1897, ss. 2, 3.

4. Whenever it is necessary in the building, maintaining or <sup>Removing fences</sup> repairing of the public work to take down or remove any wall or fence of any owner or occupier of land or premises adjoining the public work or to construct any back ditch or drain <sup>Constructing ditches</sup> for carrying off water, such wall or fence shall be replaced as soon as the necessity which caused its taking down or removal has ceased; and after the same has been so replaced or when such drain or back ditch is completed the owner or occupier of such land or premises shall maintain such wall or fence, drain or back ditch to the same extent as such owner or occupier might be by law required to do if such wall or fence <sup>obligation of land owner</sup> had never been so taken down or removed or such drain or back ditch had always existed. No. 10 of 1889, s. 4.

5. Whenever any gravel, stone, earth, sand or water is taken <sup>Sidings, conduits or tracks</sup> as aforesaid at a distance from the public work, the commissioner may cause to be laid down the necessary sidings, water pipes or conduits or tracks over or through any land intervening between the public work and the land on which such material or water is found whatever the distance is; and all the provisions of this Ordinance shall apply and may be used and exercised to obtain the right of way from the public work <sup>Right of way</sup> to the land on which such materials are situate; and such right may be acquired for a term of years or permanently as the commissioner thinks proper; and the powers in this section contained may at all times be exercised and used in all respects after the public work is constructed for the purpose of repairing and maintaining the same. No. 10 of 1889, s. 5; No. 28 of 1897, s. 4.

6. Whenever (for the purpose of procuring sufficient lands <sup>Where whole lot can be more advan-</sup> for gravel pits or for constructing, maintaining and using the

teageously  
purchased  
than a part

public work) any land may be taken under the provisions of this Ordinance and by purchasing the whole of any lot or parcel of land of which any part may be taken under the said provisions the commissioner can obtain the same at a more reasonable price or to greater advantage than by purchasing such part only as aforesaid, he may purchase, hold, use or enjoy the whole of such lot or parcel and also the right of way thereto if the same is separated from the public work and may sell by tender or public auction and convey the same or any part thereof from time to time as he deems expedient; but the compulsory provisions of this Ordinance shall not apply to the taking of any portion of such lot or parcel which is not in the opinion of the commissioner necessary for the purposes aforesaid. No. 10 of 1889, s. 6; No. 28 of 1897, s. 5.

Survey of  
lands

Proceedings  
to obtain  
possession

**7.** Land taken for the use of Her Majesty shall be surveyed and marked on the ground by a duly qualified surveyor who shall prepare a plan of the same and a proper description thereof by metes and bounds; and when no proper deed or conveyance thereof to Her Majesty is made and executed by the person having the power to make such deed or conveyance or when a person interested in such land is incapable of making such deed or conveyance or when for any other reason the commissioner deems it advisable so to do, he may apply for and obtain from the judge of the Supreme Court of the Territories usually exercising jurisdiction in the judicial district within which the land is situate an originating summons returnable before him in chambers at such time as he may appoint.

(2) The proceedings upon and incidental to any such summons shall be in conformity with the provisions of *The Judicature Ordinance*. No. 10 of 1889, s. 7; No. 28 of 1897, s. 6.

Appointment  
of  
representative  
of person  
under  
disability

**8.** In any case in which there is no guardian or other person to represent any person under any disability, a judge of the Supreme Court of the Territories may (after due notice to the persons interested) appoint a guardian or person to represent for the purposes hereof such person so under such disability with authority to make and execute any necessary transfer or conveyance. No. 10 of 1889, s. 8; No. 8 of 1898, s. 1.

Application of  
compensation  
money

**9.** The court or a judge in making any order under the provisions of this Ordinance shall give such directions as to the disposal, application or investment of such compensation money as such court or judge deems necessary to secure the interests of all persons interested therein. No. 10 of 1889, s. 9.

Contracts and  
conveyances

**10.** Any contract or agreement made hereunder and any conveyance or other instrument made or given in pursuance of such contract or agreement shall be good and valid to all intents and purposes whatsoever. No. 10 of 1889, s. 10.

Contract binds  
for one year

**11.** Every such contract or agreement made before the deposit of plans and description and before the setting out and

ascertaining of the land required for the public work shall be binding at the price agreed upon for the same land if it is afterwards so set out and ascertained within one year from the date of the contract or agreement and although such land has in the meantime become the property of a third person. No. 10 of 1889, s. 11. and on third parties

#### WARRANT FOR POSSESSION.

**12.** If any resistance or opposition is made by any person to any person entering upon and taking possession of any lands under the provisions of this Ordinance, a judge of the Supreme Court of the North-West Territories may (on proof of the execution of a conveyance of such lands to Her Majesty or agreement therefor and after notice to shew cause given in such manner as he prescribes) issue his warrant to the sheriff of the district within which such lands are situate directing him to put down such resistance or opposition and to put the commissioner or some person acting for him in possession thereof; and the sheriff shall take with him sufficient assistance for such purpose and shall put down such resistance and opposition and shall put the commissioner or such person acting for him in possession thereof; and shall forthwith make return to the Supreme Court of such warrant and of the manner in which he executed the same. No. 10 of 1889, s. 12; No. 28 of 1897, s. 7. Warrant for possession  
Sheriff's powers and duties

#### COMPENSATION.

**13.** The compensation money agreed upon or adjudged for any land or property acquired or taken for or injuriously affected by the construction of any public work shall stand in the stead of such land or property; and any claim to or incumbrance upon such land or property shall (as respects Her Majesty) be converted into a claim to such compensation money or to a proportionate amount thereof and shall be void as respects any land or property so acquired or taken, which shall (by the fact of the taking possession thereof or the filing of the plan and description in the land titles office of the land registration district in which the lands are situate as the case may be) become and be absolutely vested in Her Majesty. No. 10 of 1889, s. 13; No. 8 of 1898, s. 2. Compensation money to stand for property as to incumbrances  
Vesting of land by filing of plan

**14.** If the compensation money agreed for or adjudged does not exceed \$100 it may be paid to the person who under this Ordinance can lawfully convey the land or property or agree for compensation to be made in the case, saving always the rights of any other person to such compensation money as against the person receiving the same. No. 10 of 1889, s. 14. Compensation under \$100  
Payment of

**15.** Every person who has any estate or interest in any land or property acquired or taken for or injuriously affected by the construction of any public work or who represents or who is the husband of any such person shall (upon demand made therefor by or on behalf of the commissioner) furnish to him a Owner of land taken or affected to render statement

true statement showing the particulars of such estate and interest and of every charge, lien, or incumbrance to which the same is subject and of the claim made by such person in respect of such estate or interest. No. 10 of 1889, s. 15; No. 28 of 1897, s. 8.

Offer of  
compensation  
to owner

**16.** In any case in which land or property is acquired or taken for or injuriously affected by the construction of any public work, the commissioner shall forthwith cause to be served on the person or persons who (at the date when such land or property was so acquired, taken or injuriously affected had any estate or interest therein) a notice stating the sum of money which the commissioner is ready to pay to such person or persons as compensation therefor.

Acceptance of  
amount  
offered

(2) If any party entitled to compensation as aforesaid is dissatisfied with the amount so offered he shall (within fifteen days after the service of such notice) notify the commissioner of such dissatisfaction; otherwise he shall be taken to have accepted the amount as offered. No. 10 of 1889, s. 17; No. 28 of 1897, s. 10; No. 8 of 1898, s. 3.

#### LANDS VESTED IN HER MAJESTY.

Lands to be  
vested in  
Her Majesty

**17.** All lands and property acquired for any public work shall be vested in Her Majesty and when not required for the public work may be sold or disposed of under the authority of the commissioner: and any portion thereof not required for the public work may be sold by tender or public auction or leased under the authority aforesaid; and the proceeds of all such sales and leases shall be accounted for as public money. No. 10 of 1889, s. 16; No. 28 of 1897, s. 9.

Sale when  
not required



## CHAPTER 16.

### An Ordinance to make Regulations with respect to Coal Mines.

THE Lieutenant Governor, by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Coal Mines Regulations Ordinance*" No. 9 of 1898, s. 1. Short title

#### INTERPRETATION.

2. In this Ordinance unless the context otherwise requires— Interpretation

1. The expression "mine" includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven for commencing or opening any coal mine, and all the shafts, levels, planes, works, machinery, tramways and sidings, both below ground and above ground, in and adjacent to a coal mine, and any such shaft, level and inclined plane belonging to such coal mine ; "Mine"

2. The expression "shaft" includes pit ; "Shaft"

3. The expression "plan" includes a map and cross section and a correct copy or tracing of any original plan as so defined ; "Plan"

4. The expression "owner" when used in relation to any mine means any person or body corporate who is the immediate proprietor or lessee or occupier of any mine or of any part thereof, and does not include a person or body corporate who merely receives a royalty, rent or fine from a mine or is merely the proprietor of a mine subject to any lease, grant or license for the working thereof and is merely the owner of the soil and not interested in the minerals of the mine, but any contractor for the working of a mine or any part thereof shall be subject to this Ordinance in like manner as if he were an owner but so as not to exempt the owner from any liability. "Owner"

5. The expression "agent" when used in relation to any mine means any person having on behalf of the owner care or direction of any mine or of any part thereof, and superior to a manager appointed in pursuance of this Ordinance ; "Agent"

6. The expression "Commissioner" means the Commissioner of Public Works for the Territories ; "Commissioner"

7. The expression "inspector" means an inspector appointed under the provisions of this Ordinance ; "Inspector"

8. The expression "manager" means a manager holding a certificate of competency under the provisions of this Ordinance ; "Manager"

- "Pit boss" and "fire boss" 9. The expressions "pit boss" and "fire boss" mean respectively a pit boss and fire boss holding certificates as such issued under the provisions of this Ordinance ;
- "Board" 10. The expression "board" means the board of examiners provided by this Ordinance. No. 9 of 1898, s. 2.

EMPLOYMENT OF PERSONS IN COAL MINES—PRECAUTIONS FOR SAFETY.

- Register of employees 3. The owner, agent or manager of every mine to which this Ordinance applies shall keep in the office at the mine a register and shall cause to be entered in such register the name, age, residence and date of first employment of all persons employed in connection with the mine, and shall produce such register to any inspector under this Ordinance at all reasonable times when required by him, and allow him to inspect and copy the same. No. 9 of 1898, s. 3.
- Production of

- Females and boys under twelve years not to work in mines 4. No boy under the age of 12 years nor any woman or girl of any age shall be employed or be permitted to be in the workings of any mine operated under the provisions of this Ordinance. No. 9 of 1898, s. 20.

- Entrance to mine or communication with parts 5. When there is a shaft or inclined plane or level in any mine to which this Ordinance applies, whether for the purpose of an entrance to such mine or of a communication from one part to another of such mine, and persons are taken up or down or along such shaft, plane or level by means of an engine, windlass or gin, driven or worked by steam or mechanical power or by an animal or by manual labour, a person shall not be allowed to have charge of such engine, windlass or gin or of any part of the machinery, ropes, chains or tackle connected therewith unless he is a male of at least eighteen years of age. No. 9 of 1898, s. 4.
- Who shall not be in charge of machinery, etc.

- Failure to comply with registration or employment regulations is an offence against Ordinance 6. If any person contravenes or fails to comply with or permits any person to contravene or fail to comply with any provision of this Ordinance with respect to the registration of persons employed in such mine or to the employment of persons about any engine, windlass or gin, he shall be guilty of an offence against this Ordinance ; and in case of any such contravention or non-compliance by any person whomsoever the owner, agent and manager shall each be guilty of an offence against this Ordinance. No. 9 of 1898, s. 5.

- Misrepresentation as to age 7. If it appears that a person employed in any mine or about an engine, windlass or gin connected therewith was employed on the representation of his parent or guardian that he was of that age at which his employment would not be in contravention of this Ordinance, and under the belief in good faith that he was of that age the owner, agent or manager of the mine and employer shall be exempt from any penalty in case it shall appear that the person so employed was not of such age and the parent or guardian making such false repre-

sensation shall be deemed guilty of an offence against this Ordinance. No. 9 of 1898, s. 6.

**8.** Notwithstanding any contract or agreement to the contrary the owner, agent or manager of a mine to which this Ordinance applies shall not employ any person in such mine or permit any person to be in such mine for the purpose of employment therein unless there are in communication with every seam of such mine for the time being at work at least two shafts or outlets separated by natural strata of not less than ten feet in breadth, by which shafts or outlets means of ingress and egress are available to the persons employed in such seam whether such two shafts or outlets belong to the same mine or one or more of them belong to another mine, and unless there is a communication of not less than four feet wide and three feet high between such two shafts or outlets, and unless there is at each of such two shafts or outlets or upon the works belonging to the mine and either in actual use or available for use within a reasonable time proper apparatus for raising or lowering persons at each such shaft or outlet :

Persons not to work in mine unless every seam has two shafts

Means of communication and of ingress and egress to be provided

Provided that such separation shall not be deemed incomplete by reason only that openings through the strata between the two shafts or outlets have been made for temporary purposes of ventilation, drainage or otherwise, or in the case of mines where inflammable gas has not been found within the preceding twelve months for the same purposes although not temporary. No. 9 of 1898, s. 7.

Proviso

**9.** Every owner, agent or manager of a mine who acts in contravention of or fails to comply with the last preceding section shall be guilty of an offence against this Ordinance. No. 9 of 1898, s. 8.

Contravention of foregoing by owner, agent or manager

**10.** The Supreme Court or any judge thereof whether any other proceedings have or have not been taken may upon the application of any person authorised thereto by the commissioner prohibit by injunction the working of any mine in which any person is employed or is permitted to be for the purpose of employment in contravention of section 8 hereof and may award such costs in the matter of the injunction as the court or judge thinks just ; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Ordinance.

Working of mine may be prohibited

(2) Written notice of the intention to apply for such injunction in respect of any mine shall be given to the owner, agent or manager of such mine not less than ten days before the application is made. No. 9 of 1898, s. 9.

**11.** The provisions of this Ordinance with respect to shafts or outlets shall not apply in the following cases, that is to say :

When provisions as to shafts shall not apply

1. In the case either of opening a new mine for the purpose of searching for or proving minerals or of any working for the purpose of making a communication between two or more shafts, so long as not more than twenty persons are employed

below ground at any one time in the whole of the different seams in connection with each shaft or outlet in such new mine or such working;

2. In the case of any proved mine so long as it is exempted in writing by the commissioner on the ground either—

- (a) If the mine is not a mine with inflammable gas, that sufficient provision has been made against danger from other causes than explosions of gas by using stone, brick or iron in the place of wood for the lining of the shaft and the construction of the mid-wall; or
- (b) That the workings in any seam of a mine have reached the boundary of the property or other extremity of the mineral field of which such seam is a part, and that it is expedient to work away the pillars already formed in course of the ordinary working,

and so long as there are not employed below ground at any one time in the whole of the different seams in connection with the shaft or outlet in any such mine more than ten persons, or (if the mine is not a mine with inflammable gas) then such larger number of persons as may for the time being be allowed by the commissioner. No. 9 of 1898, s. 10.

Parts of mine worked separately treated as separate mines

**12.** Where two or more parts of a mine are worked separately the owner, agent or manager of the mine shall give notice in writing to that effect to the commissioner, and thereupon each such part shall for all the purposes of this Ordinance be deemed to be a separate mine.

Objection to division of mine into parts

(2) If the commissioner is of opinion that the division of a mine in pursuance of this section will permit of the evasion of the provisions of this Ordinance or in any way prevent the carrying of this Ordinance into effect, he may object to such division by notice served on the owner or agent of the mine. No. 9 of 1898, s. 11.

#### MANAGERS OF MINES.

Daily supervision of manager

**13.** Every mine to which this Ordinance applies shall except as hereinafter provided be under the control and daily supervision of a manager who has obtained a certificate of competency in accordance with the provisions of this Ordinance.

Penalty for working without manager

(2) If any mine to which this Ordinance applies is worked for more than thirty days without there being such a manager the owner and agent of such mine shall each be guilty of an offence against this Ordinance.

Exemption

(3) A mine in which less than twenty persons are ordinarily employed below ground shall be exempt from the provisions of this section unless the commissioner by notice in writing served on the owner or agent of such mine requires the same to be under the control of a manager. No. 9 of 1898, s. 12.

Contractor

**14.** A contractor for the mining of coal or a person employ-  
146

ed by such contractor shall not be eligible for the position of manager in any mine operated under the provisions of this Ordinance. No. 9 of 1898, s. 21. cannot be a manager

**15.** A certificate of competency as a manager in form approved by the commissioner may be issued by the commissioner to any person who is entitled thereto under the provisions of this Ordinance, but no such certificate shall be issued to any person who has not had five years' practical experience of coal mining operations under ground. No. 9 of 1898, s. 13. Certificate of manager

**16.** Every person to whom a certificate of competency as a manager is issued shall be duly recorded as the holder of such certificate and shall pay therefor to the commissioner a fee of \$5. No. 9 of 1898, s. 14. Recording of certificate

**17.** Every person holding a first class certificate of competency as a manager of coal mines obtained by examination in any province of Canada or other part of Her Majesty's dominions or in the United States of America may apply to the commissioner to be granted a certificate of competency under the provisions of this Ordinance. Such application shall be accompanied by the certificate or certificates held by the applicant and he shall furnish such further proof as to his practical experience, ability, sobriety and general good conduct as the commissioner may require. If the certificates forwarded with such application and the further proof required as to practical knowledge, sobriety and general good conduct are of a satisfactory character the commissioner may issue a certificate of competency to such applicant and record him as the holder of such certificate. No. 9 of 1898, s. 15. Granting certificates to persons holding foreign certificates

**18.** Any person not the holder of a certificate of competency as a manager of coal mines obtained by examination in any province of Canada or other part of Her Majesty's dominions or the United States of America, who before the 19th day of September, 1898 had five years' practical experience in coal mining operations under ground and who on the said date was acting as the manager of any mine, may apply to the commissioner to be granted a certificate of competency as a manager under the provisions of this Ordinance; and if the proof of such service and such further proof of the sobriety, ability and general good conduct of the applicant as the commissioner may require is of a satisfactory character the commissioner may issue a certificate of competency as a manager to such applicant and duly record him as the holder of such certificate. No. 9 of 1898, s. 16. Service certificate

**19.** For the purpose of examining candidates who may desire to obtain certificates of competency as managers and who are not qualified for such certificates under the provisions of sections 17 and 18 of this Ordinance, there shall be a board of examiners consisting of the inspector, a certificated manager and a miner who has had at least five years' practical ex- Examining board

perience of coal mining under ground. The inspector shall be a permanent member of such board and the manager and miner shall be appointed by him at each mine during the time of his first and last inspection during each year.

Place and date of examination

(2) Notice of the place and date at which the board will meet at each mine shall be given by the inspector to the manager of such mine two weeks before the date of such meeting.

Candidates for examination to give notice

(3) Candidates who may desire to submit themselves for examination at such meeting shall notify the inspector in writing one week before the date of the meeting.

Duties of examining board

(4) The board shall examine candidates presenting themselves for examination who have given the proper notice as to their practical experience and theoretical knowledge of all the operations connected with the mining of coal and management of mines, and may issue a certificate to such candidates as successfully pass such examination, reciting the facts and recommending the issue to such candidates by the commissioner of a certificate of competency as a manager.

When certificate shall issue

(5) Upon receipt of the certificate issued by the board, together with a fee of \$15, the commissioner shall issue a certificate of competency as a manager to the holder of the certificate from the board and shall record him as the holder of such certificate of competency.

Cancellation or suspension of certificate for cause shown.

(6) If at any time representation is made to the commissioner by an inspector or otherwise that a manager holding a certificate of competency under this Ordinance is by reason of incompetency or gross negligence unfit to discharge his duties or has been convicted of an offence against this Ordinance, the commissioner may if he thinks fit cause inquiry to be made into the conduct of such manager, and if the charges are proven against him the commissioner may cancel or suspend the certificate of such manager.

Record of same

(7) When the certificate of a manager is cancelled or suspended in pursuance of this Ordinance the commissioner shall cause such cancellation or suspension to be recorded in the register of holders of certificates.

Restoration

(8) The commissioner may at any time if it be shown to him to be just to do so renew or restore on such terms as he thinks fit any certificate which has been cancelled or suspended under the provisions of this Ordinance. No. 9 of 1898, s. 17.

#### PIT BOSS AND FIRE BOSS.

Pit or fire boss certificates on examination

**20.** The board may at any meeting held for the examination of candidates for certificates of competency as managers, examine such candidates as present themselves for certificates as pit bosses or fire bosses and to each candidate who successfully passes the examination prescribed by the board may upon payment of a fee of \$3 issue a certificate, signed by the inspector, authorising him to act in such capacity.

Return of certificates issued

(2) The inspector shall make a return to the commissioner of all certificates issued under the provisions of this section

and shall transmit to the commissioner all fees collected in connection therewith.

(3) Any person who on the 19th day of September 1898 was acting as a pit boss or fire boss in any mine operated under the provisions of this Ordinance may, upon application to the inspector and payment of a fee of \$3, be granted a certificate of qualification as a pit boss or fire boss as the case may be, provided that such person proves to the satisfaction of the inspector that he has had five years' experience of coal mining operations under ground, and produces a certificate from the manager of the mine in which he is employed stating that he is filling the position of pit boss or fire boss in such mine. No. 9 of 1898, s. 18. Time certificate as pit or fire boss

**21.** No person shall act as pit boss or fire boss in any mine operated under the provisions of this Ordinance unless he is the holder of a certificate issued by the board authorising him to act in such capacity. No. 9 of 1898, s. 19. Necessity for boss certificate

#### REPORTS AND RETURNS.

**22.** On or before the first day of February in every year the owner, agent or manager of every mine to which this Ordinance applies shall send to the commissioner a correct return specifying with respect to the year ending on the preceding thirty-first day of December, the quantity of coal wrought in such mine and the number of persons ordinarily employed in or about such mine below ground and above ground, distinguishing the persons employed below ground and above ground and the different classes and ages of the persons so employed and such return shall be in accordance with form A in the schedule hereto. No. 9 of 1898, s. 22. Output returns and returns as to employees

**23.** Every owner, agent or manager of a mine who fails to comply with the preceding section or makes any return prescribed thereby which is to his knowledge false in any particular shall be guilty of an offence against this Ordinance. No. 9 of 1898, s. 23. Making false returns

**24.** The aggregate results of such returns may be published but the individual return shall not be published without the consent of the person making the same or of the owner of the mine to which it relates, and no person other than government officials shall be entitled without such consent to see the same. No. 9 of 1898, s. 24. Publication of returns

#### ACCIDENTS TO BE REPORTED.

**25.** Where, in or about any mine to which this Ordinance applies, whether above or below ground, either loss of life or personal injury to any person employed in or about the mine occurs by reason of : All accidents to be reported

- (a) Any explosion of gas, powder or of any steam boiler ;  
or

## (b) Any accident whatever :

the owner, agent or manager of the mine shall within forty-eight hours next after the explosion or accident send notice in writing of the explosion or accident and of the loss of life and personal injury occasioned thereby to the commissioner and shall specify in such notice the character of the explosion or accident and the number of persons killed and injured respectively. No. 9 of 1898, s. 25.

When death  
ensues

**26.** Where any personal injury of which notice is required to be sent under the last preceding section results in the death of the person injured notice in writing of the death shall be sent to the commissioner within twenty-four hours after such death comes to the knowledge of the owner, agent or manager. No. 9 of 1898, s. 26.

Liability for  
noncom-  
pliance

**27.** Every owner, agent or manager who fails to act in compliance with the last two preceding sections shall be guilty of an offence against this Ordinance. No. 9 of 1898, s. 27.

NEW SHAFTS. ABANDONMENT OF MINES. CHANGE OF NAME  
OR OWNER. NUISANCES.

Notice to  
be given of  
opening, dis-  
continuance,  
re-opening, or  
change of  
owner of mine

**28.** In any of the following cases, namely :

- (a) Where any working is commenced for the purpose of opening a new shaft for any mine to which this Ordinance applies ;
- (b) Where a shaft of any mine to which this Ordinance applies is abandoned or the working thereof discontinued ;
- (c) Where the working of a shaft of any mine to which this Ordinance applies is recommenced after any abandonment or discontinuance for a period exceeding two months ; or
- (d) Where any change occurs in the name of, or in the name of the owner, agent or manager of any mine to which this Ordinance applies or in the officers of any incorporated company which is the owner of a mine to which this Ordinance applies,

the owner, agent or manager of such mine shall give notice thereof to the commissioner within two months after such commencement, abandonment, discontinuance, recommencement or change ; and if such notice is not given the owner, agent or manager shall be guilty of an offence against this Ordinance. No. 9 of 1898, s. 28.

Entrance to  
unused mine  
to be securely  
fenced

**29.** Where any mine to which this Ordinance applies is abandoned or the working thereof discontinued, at whatever time such abandonment or discontinuance occurs the owner thereof shall cause the top of the shaft and any side entrance from the surface to be and to be kept securely fenced for the prevention of accidents :  
Provided that—



(a) Subject to any contract to the contrary the owner of the mine shall, as between him and any other person interested in the minerals of the mine, be liable to carry into effect this section and to pay any costs incurred by any other person interested in the minerals of the mine in carrying this section into effect;

Responsibility  
for fencing  
entrance

(b) Nothing in this section shall exempt any person from liability under any other Ordinance or otherwise.

Liability  
under other  
Ordinances

(2) If any person fail to act in conformity with this section he shall be guilty of an offence against this Ordinance. No. 9 of 1898, s. 29.

**30.** Any shaft or side entrance which is not fenced as required by the last preceding section, if within fifty yards of any highway, road, footpath or place of public resort or in open or uninclosed land shall be deemed to be a nuisance. No. 9 of 1898, s. 30.

When shaft or  
entrance  
becomes a  
nuisance

**31.** Whenever slack deposited in the neighbourhood of the pit's mouth is unfenced and burning and thereby in a dangerous condition, the commissioner may instruct the owners of such mine to inclose such slack with a fence and take such other necessary precautions as he may require. No. 9 of 1898, s. 30.

Burning slack  
near pit mouth

**32.** When any mine to which this Ordinance applies is abandoned the owner of such mine at the time of such abandonment shall within three months after such abandonment send to the commissioner an accurate plan on a scale of not less than one hundred feet to one inch or on such other scale as the plan used in the mine at the time of such abandonment is constructed showing the boundaries of the workings of such mine up to the time of the abandonment; but no person except an inspector under this Ordinance or other government official shall be entitled, without the consent of the owner of the mine, to see such plan until after the lapse of ten years from the time of such abandonment. Every owner who fails to comply with this section shall be guilty of an offence against this Ordinance. No. 9 of 1898, s. 31.

Plan of  
abandoned  
mine to be  
sent to  
commissioner

#### NOTICES.

**33.** All notices under this Ordinance shall be in writing or print or partly in writing or partly in print, and all notices and documents required by this Ordinance to be served or sent in by or to the commissioner or an inspector may be either delivered personally or sent by post by prepaid letter and if sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office. No. 9 of 1898, s. 32.

Service of  
notices and  
documents

## INSPECTORS. POWERS AND DUTIES.

Appointment  
of inspectors

**34.** The Lieutenant Governor in Council may from time to time appoint any fit persons to be inspectors of mines to which this Ordinance applies and assign them their duties and may award them such remuneration as he deems proper and may remove such inspectors from office for cause. No. 9 of 1898, s. 33.

Powers of  
inspector

**35.** An inspector under this Ordinance shall have power to do all or any of the following things, namely :

1. To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Ordinance relating to matters above ground or below ground are complied with in the case of any mine to which this Ordinance applies ;

2. To enter, inspect and examine any mine to which this Ordinance applies, and every part thereof, at all reasonable times by day and night but so as not to impede or obstruct the working of the said mine ;

3. To examine into and make inquiry respecting the state and condition of any mine to which this Ordinance applies, or any part thereof, and the ventilation of the mine and the sufficiency of the special rules for the time being in force in the mine and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto ;

4. To examine and inquire into the competency of all managers in charge of mines under this Ordinance and report upon the same to the commissioner ;

5. To exercise such other powers as may be necessary for carrying this Ordinance into effect. No. 9 of 1898, s. 34.

Obstructing  
inspector

**36.** Every person who wilfully obstructs any inspector in the execution of his duty under this Ordinance and every owner, agent and manager of a mine who refuses or neglects to furnish to the inspector the means necessary for making any entry, inspection, examination or inquiry under this Ordinance in relation to such mine or manager thereof shall be guilty of an offence against this Ordinance. No. 9 of 1898, s. 35.

## PLANS OF MINES.

Plan of mine  
to be kept in  
office

**37.** The owner, agent or manager of any mine to which this Ordinance applies shall keep in the office at the mine an accurate plan of the workings of such mine showing the workings up to at least six months previously and shall produce to an inspector under this Ordinance such plan and shall, if requested by the inspector, mark on such plan the progress of the workings of the mine up to the time of such production and shall allow the inspector to examine the same : but the inspector is not hereby authorised to make a copy of any part of such plan. No. 9 of 1898, s. 36.

Production of  
plan to  
inspector

**38.** If the owner, agent or manager of any mine to which this Ordinance applies fails to keep such plan as is prescribed by the last preceding section or wilfully refuses to produce or allow to be examined such plan or wilfully withholds any portion of any plan or conceals any part of the workings of his mine or produces an imperfect or inaccurate plan, unless he shows that he was ignorant of such concealment, imperfection or inaccuracy he shall be guilty of an offence against this Ordinance ;

Failure to produce full and accurate plan an offence

(2) The inspector may by notice in writing (whether penalty for such offence has or has not been inflicted) require the owner, agent or manager to cause an accurate plan, such as is prescribed by the said section, to be made within a reasonable time at the expense of the owner of the mine on a scale of not less than one hundred feet to one inch or such other scale as the plan then used in the mine is constructed on and if the owner, agent or manager fails within twenty-one days after such notice, or such further time as may be shown to be necessary, to make such plan or cause it to be made he shall be guilty of an offence against this Ordinance. No. 9 of 1898, s. 37.

Inspector may order plan to be made

#### GENERAL RULES.

**39.** The following general rules shall be observed so far as is reasonably practicable in every mine to which this Ordinance applies :

Rule 1. An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless noxious gases to such an extent that the working places of the shafts, levels, stables and workings of such mine, and the travelling roads to and from such working places shall be in a fit state for working and passing therein.

Ventilation of mines

Rule 2. An adequate amount of ventilation shall mean not less than one hundred cubic feet of pure air per minute for each man, boy, horse and mule employed in a mine and as much more as the inspector may direct which shall sweep the face of each working place. Every mine shall be divided into districts or splits of not more than seventy men in each district, and each district shall be supplied with a separate current of fresh air. All intake air shall travel free from all stagnant water, stables and old workings and every place shall be bratticed up within four yards of the face. On all main roads where a door is required the inspector may order that two doors shall be placed so that while boxes are being taken through the one the other shall remain closed and no air shall be lost.

Division into districts or splits

Intake air to be pure

Preservation of air

- (a) The above provisions as to splits and bratticing shall not apply to mines in which safety lamps are not necessarily employed ;
- (b) In all mines so exempt all narrow working places shall not be driven more than twenty yards ahead of ventilation or such lesser distances as will prevent the

Exemptions

Narrow working places to be near ventilation

air in the said narrow working places becoming visibly foul.

Inspection to take place when inflammable gas found

Rule 3. In every mine in which inflammable gas has been found within the preceding twelve months, then once in every twenty-four hours if one shift of workmen is employed and once in every twelve hours if two shifts are employed during any twenty-four hours, a fire boss shall so far as is reasonably practicable immediately before the time for commencing work in any part of the mine inspect with a safety lamp that part of the mine and the roadways leading thereto and shall make a true report of the condition thereof so far as ventilation is concerned, and a workman shall not go to work in such part until the same and the roadways leading thereto are stated to be safe. Every such report shall be recorded without delay in a book which shall be kept at the mine for the purpose and shall be signed by the fire boss.

Work not to proceed until roadways reported safe

Inspection as to ventilation

Rule 4. In every mine in which inflammable gas has not been found within the preceding twelve months then once in every twenty-four hours a fire boss shall so far as is reasonably practicable immediately before the time for commencing work in any part of the mine inspect that part of the mine and the roadways leading thereto and shall make a true report of the condition thereof so far as ventilation is concerned and a workman shall not go to work in any such part until the same and the roadways leading thereto are stated to be safe. Every report shall be recorded without delay in a book which shall be kept at the mine for the purpose and shall be signed by the fire boss.

Unused entrances in mines to be fenced

Rule 5. All entrances to any place not in actual course of working and extension shall be properly fenced across the whole width of such entrance so as to prevent persons inadvertently entering the same.

Stations

Rule 6. A station or stations shall be appointed at the entrance to a mine or to different parts of the mine as the case may require and a workman shall not pass beyond any such station until the mine beyond the same has been inspected and stated to be safe.

When danger exists all workmen to be withdrawn

Rule 7. If at any time it is found by the person for the time being in charge of the mine or any part thereof that by reason of noxious gases prevailing in such mine or such part thereof, or of any cause whatever, the mine or the said part is dangerous every workman shall be withdrawn from the mine or such part thereof as is found dangerous and the manager or a fire boss shall inspect the mine or such part thereof as is found dangerous and if the danger arises from inflammable gas shall inspect the same with a locked safety lamp, and in every case shall make a true report of the condition of such mine or part thereof, and a workman shall not except in so far as is necessary for inquiring into the cause of danger or for the removal thereof or for exploration be readmitted into the mine, or such part thereof as was so found dangerous until the same is stated by such report not to be dangerous. Every such report shall

Inspection to follow

be recorded in a book which shall be kept at the mine for the purpose and shall be signed by the manager or fire boss.

Rule 8. In every working approaching any place where there is likely to be an accumulation of explosive gas no lamp or light other than a locked safety lamp shall be allowed or used, and whenever safety lamps are required by this Ordinance or by the special rules made in pursuance of this Ordinance to be used a competent person who shall be appointed for the purpose shall examine every safety lamp immediately before it is taken into the workings for use and ascertain it to be secure and securely locked; and in any part of a mine in which safety lamps are required to be used they shall not be used until they have been examined and found secure and securely locked and shall not without due authority be unlocked and in the said part of a mine a person shall not unless he is appointed for the purpose have in his possession any key or contrivance for opening the lock of any such safety lamp or any lucifer match or apparatus of any kind for striking a light. Where it is necessary to work coal in any part of a ventilating district with safety lamps it shall not be allowable to work with a naked light in another part of the same ventilating district situated between the place where such safety lamps are being used and the return airway.

Rule 9. Gunpowder or other explosive or inflammable substance shall only be used in the mine under ground as follows:

- (a) It shall not be stored in the mine;
- (b) It shall not be taken into the mine except in a case or canister containing not more than four pounds;
- (c) A workman shall not have in use at any one time in any one place more than one of such cases or canisters;
- (d) In charging holes for blasting an iron or steel pricker shall not be used and a person shall not have in his possession in the mine under ground any iron or steel pricker and an iron or steel tamping rod or stemmer shall not be used for ramming either the wadding or the first part of the tamping or stemming on the powder;
- (e) No explosive shall be forcibly pressed into a hole of insufficient size and when a hole has been charged the explosive shall not be unrammed and no hole shall be bored for a charge at a distance of less than two feet from any hole where the charge has missed fire but where a space of two feet from the first hole cannot be obtained the explosive may be unrammed under the sanction and supervision of the shot examiner;
- (f) It shall not be used except in accordance with the following regulations during three months after any in-

flammable gas has been found in any such mine, namely :

Conditions of  
shot firing

(2) A fire boss shall immediately before firing the shot examine the place where it is to be used and all places contiguous thereto within a radius of twenty-five yards and shall not allow the shot to be fired unless he finds it safe to do so, and a shot shall not be fired except by or under the direction of the fire boss, but the provisions of this subsection shall not apply to mines in which safety lamps are not necessary unless the commissioner by notice in writing served on the owner, agent or manager of such mine requires it to be so applied.

(3) If the place where the shot is to be fired is dry and dusty then the shot shall not be fired unless one of the following conditions is observed, that is to say :

(a) Unless the place of firing and all contiguous and accessible places within a radius of twenty yards are at the time of firing in a wet state from a thorough watering or other treatment equivalent to watering in all parts where dust is lodged, whether roof, floor or sides ; or

(b) In the case of places in which watering would injure the roof or floor unless the explosive is so used with water or other contrivance as to prevent it from inflaming gas or dust or is of such a nature that it cannot inflame gas or dust ;

(c) All hauling or other roads that are dry and dusty shall be watered sufficiently often to allay the dust.

When blue  
cap shows  
on flame of  
safety lamp.

(4) If the said inflammable gas issued so freely that it showed a blue cap on the flame of the safety lamp it shall only be used :

(a) Either in those cases of stone drifts, stone work and sinking of shafts in which the ventilation is so managed that the return air from the place where the powder is used passes into the main return air course without passing any place in actual course of working ; or

(b) When the persons ordinarily employed in the mine are out of the mine or out of the part of the mine where it is used ; or

(c) Where a mine is divided into separate panels in such manner that each panel has an independent intake and return airway from the main aircourse and the main return aircourse the provisions of this rule with respect to gunpowder or other explosive inflammable substance shall apply to each such panel in like manner as if it were a separate mine.

Dangerous  
accumulation  
of water

Rule 10 When any place adjoining any working is likely to contain a dangerous accumulation of water the workings approaching such place shall not exceed eight feet in width and there shall be constantly kept at a sufficient distance not

being less than five yards in advance at least one borehole near the centre of the working and sufficient flank boreholes on each side.

Rule 11. Every underground plane on which persons travel which is self acting or worked by an engine, windlass or gin shall be provided if exceeding thirty yards in length with some proper means of signalling between the stopping places and the ends of the plane and shall be provided in every case at intervals of not more than twenty yards with sufficient manholes for places of refuge.

Underground travelling planes to have means of signalling and places of refuge

Rule 12. Every road on which persons travel under-ground where the load is drawn by a horse or other animal shall be provided at intervals of not more than fifty yards with sufficient manholes or with a space for a place of refuge, which space shall be of sufficient length and of at least three feet in width between the waggons running on the tram road and the side of such road.

Refuge for animals

Rule 13. Every manhole and space for a place of refuge shall be constantly kept clear and no person shall place anything in a manhole or such space so as to prevent access thereto.

Refuge places to be kept clear

Rule 14. The top of every shaft which for the time being is out of use or used only as an air-shaft shall be securely fenced.

Fencing top of unused shaft

Rule 15. The top and all entrances between the top and bottom of every working or pumping shaft shall be properly fenced but this shall not be taken to forbid the temporary removal of the fence for the purposes of repairs or other operations if proper precautions are used.

Fence may be temporarily removed for purposes of repair

Rule 16. Where the natural strata are not safe every working or pumping shaft shall be securely cased, lined or otherwise made secure.

Where natural strata unsafe

Rule 17. The roof and sides of every travelling road and working place shall be made secure and a person shall not unless appointed for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not so made secure.

Roofs and sides to be made secure

Rule 18. Where there is a downcast and furnace shaft and both such shafts are provided with apparatus in use for raising and lowering persons, every person employed in the mine shall upon giving reasonable notice have the option of using the downcast shaft.

Optional use of downcast shaft

Rule 19. In any mine which is usually entered by means of machinery a competent person of such age as prescribed by this Ordinance shall be appointed for the purpose of working the machinery which is employed in lowering and raising persons therein and shall attend for the said purpose during the whole time that any person is below the ground in the mine.

Competent person to have charge of machinery

Rule 20. Every working shaft used for the purpose of drawing minerals or for the lowering or raising of persons shall if ex-

Shafts to be provided with

guides and means of communication

ceeding fifty yards in depth and not exempted in writing by the inspector be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft to the surface and from the surface to the bottom of the shaft and to every entrance for the time being in work between the surface and the bottom of the shaft.

Overhead covering

Rule 21. A sufficient cover overhead shall be used when lowering or raising persons in every working shaft except where it is worked by a windlass or where the person is employed about the pump or some work of repair in the shaft, or where a written exemption is given by the inspector.

Single link chain not to be used

Rule 22. A single link chain shall not be used for lowering or raising persons in any working shaft or plane except for the short coupling chain attached to the cage or load.

Prevention of slipping of rope

Rule 23. There shall be on the drum of every machine used for the lowering or raising persons such flanges or horns and also if the drum is conical such other appliances as may be sufficient to prevent the rope from slipping.

Machine to have brake and indicator attachments

Rule 24. There shall be attached to every machine worked by steam, water or mechanical power and used for lowering and raising persons an adequate brake and also a proper indicator in addition to any mark on the rope which shows to the person who works the machine the position of the cage or load in the shaft.

Parts of machinery to be fenced

Rule 25. Every fly wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be and be kept securely fenced.

Boilers to be provided with gauges

Rule 26. Every steam boiler shall be provided with a proper steam guage and water guage to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety valve.

Using barometer and thermometer when gas found

Rule 27. After dangerous gas has been found in any mine a barometer and a thermometer shall be placed above ground in a conspicuous position near the entrance to the mine.

Damage to mine fittings prohibited

Rule 28. No person shall wilfully damage or without proper authority remove or render useless any fence, fencing, casing, lining, guide, means of signalling, signal, cover, change, flange, horn, brake, indicator, steam guage, water guage, safety valve, or other appliances or thing provided in any mine in compliance with this Ordinance.

Observance of directions

Rule 29. Every person shall observe such directions with respect to working as may be given to him with a view to comply with this Ordinance or the special rules.

Examination of machinery and shafts

Rule 30. The manager or a pit boss shall once at least in every twenty-four hours examine the external parts of the machinery and the state of the head gear, working places, levels, planes, ropes, chains and other works of the mine which are in actual use and once at least in every week shall examine the state of the shafts by which persons ascend or descend and the guides or conductors therein and shall make a true report



of the result of such examination and such report shall be recorded in a book to be kept at the mine for the purpose and shall be signed by the manager or pit boss.

Rule 31. The persons employed in a mine may from time to time appoint one or two of their number to inspect the mine at their own cost and the persons so appointed shall be allowed once or oftener in every shift, day, week or month accompanied if the owner, agent or manager of the mine thinks fit by himself or one or more officers of the mine to go to every part of the mine and to inspect the shafts, level planes, working places, return air ways, ventilating apparatus, old workings and machinery and shall be afforded by the owner, agent and manager and all persons in the mine every facility for the purpose of such inspection and shall make a true report of the result of such inspection and such report shall be recorded in a book to be kept at the mine for the purpose and shall be signed by the persons who made the same; and if the report state the existence or apprehended existence of any danger the owner, agent or manager shall forthwith cause a true copy of the report to be sent to the commissioner.

Employees may appoint their own inspector  
Said inspectors to report

Rule 32. The books mentioned in this section or a copy thereof shall be kept at the office of the mine and any inspector under this Ordinance and any person employed in the mine may at all reasonable times inspect and take copies of and extracts from any such books.

Inspection of books

Rule 33. Every cage used in any mine shall be stationary and shall rest upon chains or catches before any person is allowed to enter upon or to leave to same. No person shall enter or leave a cage without the consent of the banksman or onsetter.

Cage, entering or leaving of

Rule 34. No person unable to speak and read English shall be appointed to or shall occupy any position of trust or responsibility, namely: as banksman, onsetter, signalman, brakesman, pointsman, furnaceman, or engineer or be employed at the windlass of a sinking pit in or about a mine subject to this Ordinance whereby through his ignorance, carelessness or negligence he might endanger the life or limb of any person employed in or about a mine.

English speaking persons only to hold responsible position

Rule 35. Every person who contravenes or who does not comply with any of the general rules of this section shall be guilty of an offence against this Ordinance; and in the event of any contravention of or non-compliance with any of the said general rules in the case of any mine to which this Ordinance applies by any person whomsoever the owner, agent and manager shall each be guilty of an offence against this Ordinance unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the said rules as regulations for the working of the mine to prevent such contravention or non-compliance.

Contravention of or non-compliance with general rules

Rule 36. It shall be the duty of every miner employed in any mine to carefully examine the place where he is working on entering the same in the morning and on re-entering after

Miner to examine place of working

firing a shot and when leaving it at night and he shall immediately report to the manager any defects or dangers existing therein.

All persons  
to report  
respecting  
defects or  
danger

Rule 37. It shall be the duty of every miner or other person employed in any mine to immediately report to the manager or pit boss any defect or danger which he may know to exist in any part of the mine.

When props,  
timbers or  
cap pieces  
required

Rule 38. Every miner in want of props or timbers and cap pieces shall notify the manager or pit boss of the fact at least one day in advance giving the length and number of props, timbers or cap pieces required, but in cases of emergency the timbers may be ordered immediately upon the discovery of any danger.

(2) The place and manner of leaving the orders for timbers and cap pieces shall be designated in the general rules of the mine. No. 9 of 1898, s. 38.

#### SPECIAL RULES.

Application  
of local or  
special rules

**40.** There shall be established in every mine to which this Ordinance applies such rules (referred to in this Ordinance as special rules) for the conduct or guidance of the persons acting in the management of such mine or employed in or about the same as under the particular state and circumstances of such mine may appear best calculated to prevent dangerous accidents and to provide for the safety and proper discipline of the persons employed in or about the mine and such special rules shall be approved by the commissioner and shall be observed in and about every such mine. No. 9 of 1898, s. 39.

Such rules to  
be approved by  
commissioner

#### OFFENCES AND PENALTIES.

Who may be  
guilty of  
offences

**41.** Every person employed in or about a mine other than the owner, agent or manager who is guilty of any act or omission which in the case of the owner, agent or manager would be an offence against this Ordinance shall be deemed to be guilty of an offence against this Ordinance. No. 9 of 1898, s. 40.

Penalties

**42.** Every person who is guilty of an offence against this Ordinance shall on summary conviction thereof be liable to a penalty not exceeding if he is an owner, agent or manager one hundred dollars and if he is not an owner, agent or manager ten dollars for each offence; and if the inspector has given written notice of any such offence then in case of an owner, agent or manager to a further penalty not exceeding one hundred dollars and not less than ten dollars for every day after such notice that such offence continues to be committed and in case of other persons to a further penalty not exceeding five dollars for every day after such notice that such offence continues to be committed. No. 9 of 1898, s. 41.

**43.** When a person who is an owner, agent or manager of a mine or a person employed in or about a mine is guilty of an

offence against this Ordinance which in the opinion of the court that tries the case is one which was reasonably calculated to endanger the safety of the persons employed in or about the mine or to cause serious personal injury to any of such persons or to cause a dangerous accident, and was committed wilfully by the personal act, personal default or personal negligence of the person accused such person shall be liable if the court is of opinion that a pecuniary penalty will not meet the circumstances of the case to imprisonment with or without hard labour for a period not exceeding three months. No. 9 of 1898, s. 42.

Power to  
imprison  
offenders

#### INFORMATION FOR COMMISSIONER.

**44.** The owner, agent or manager of every mine shall at any time when required by the commissioner send to the commissioner such information and facts relating to his mine as may be asked for. No. 9 of 1898, s. 44.

Information  
to be supplied  
commissioner

#### REGULATIONS AND FORMS.

**45.** The Lieutenant Governor in Council may from time to time make such additional regulations and prescribe such forms as may be deemed necessary for the proper carrying into effect of the provisions of this Ordinance. No. 9 of 1898, s. 45.

Power to  
make new  
regulations

SCHEDULE.

FORM A.

"THE COAL MINES REGULATIONS ORDINANCE."

ANNUAL RETURN FROM OWNER OR AGENT.

Name of Colliery..... Name of Pit..... Owner of Seam.....  
Year ending the... day of.....

| Average number of persons employed daily. |                | Mode of ventilation. | Furnace or fan, with description. | Diameter and depth of downcast and upcast shafts. |                |                   |                |         |                                    | Number of splits and quantity. |  | Average length of airways. | Sectional area of airways. | Average total quantity of fresh air in cubic feet per minute. | Total output of mine in tons. |
|---|----------------|----------------------|-----------------------------------|---|----------------|-------------------|----------------|---------|------------------------------------|--------------------------------|--|----------------------------|----------------------------|---|-------------------------------|
| Above ground.                             | Under ground.  |                      |                                   | Downcast.   |                | Upcast.           |                | Splits. | Quantity in cubic feet per minute. |                                |  |                            |                            |   |                               |
| Diameter in feet.                         | Depth in feet. | Diameter in feet.    | Depth in feet.                    | Diameter in feet.                                 | Depth in feet. | Diameter in feet. | Depth in feet. |         |                                    |                                |  |                            |                            |   |                               |
|   |                |                      |                                   |   |                |                   |                |         |                                    |                                |  |                            |                            |   |                               |

## CHAPTER 17.

### An Ordinance respecting the Inspection of Steam Boilers and the Examination of Engineers Operating the Same.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Steam Boilers Ordinance*." No. 10 of 1898, s. 1. Short title

#### INTERPRETATION.

2. In this Ordinance unless the context otherwise requires— Interpretation

1. The expression "boiler" does not include boilers used for "Boiler" heating water for domestic purposes or low pressure steam heating boilers unless the pressure exceeds fifteen pounds per square inch or railway locomotive or steam-boat boilers but means and includes all other steam boilers and every part thereof or thing connected therewith and all apparatus and things attached to or used in connection with any such boiler ;

2. The expression "owner" means and includes any person, "Owner" firm or corporation, the owner or lessee of a boiler and the manager or other head officer in charge of the business of any such firm or corporation ;

3. The expression "engineer" means any person having "Engineer" charge of or operating a steam boiler under the provisions of this Ordinance ;

4. The expression "commissioner" means the Commissioner "Commis-  
of Public Works of the Territories ; sioner"

5. The expression "inspector" means any inspector of steam "Inspector" boilers appointed by the Lieutenant Governor in Council under the provisions of this Ordinance. No. 10 of 1898, s. 2.

#### INSPECTION OF STEAM BOILERS.

3. The Lieutenant Governor in Council may appoint an in- Appointment  
of inspectors spector or inspectors of steam boilers for the Territories for the purpose of carrying out the provisions of this Ordinance and may fix the remuneration to be paid such inspector or inspectors. No. 10 of 1898, s. 3.

4. No person holding the office of inspector under the pro- Inspectors to  
have no  
interest in  
sale of boilers  
or steam  
machinery visions of this Ordinance shall be either directly or indirectly interested in the sale of boilers or steam machinery. No. 10 of 1898, s. 4.

Oath of office  
to be taken

**5.** Every inspector appointed under the provisions of this Ordinance shall before entering upon the performance of his duties take and subscribe an oath that he will faithfully and impartially perform the duties of his office. No. 10 of 1898, s. 5.

Duties of  
inspectors

**6.** The inspectors appointed under this Ordinance shall—

- (a) Inspect all new steam boilers within their respective districts before the same are used ;
- (b) Once at least in each year subject all boilers within their district to hydrostatic pressure test ;
- (c) Satisfy themselves by a thorough examination inside and out and by a hammer test after the hydrostatic pressure that the boilers are well made and of good and suitable material ;
- (d) See that the openings for the passage of water and steam respectively and all pipes and tubes exposed to heat are of proper dimensions and free from obstruction ;
- (e) See that the flues are circular in form ;
- (f) Satisfy themselves that the fire line (fire line) of the furnace is at least two inches below the prescribed minimum water line of the boiler ;
- (g) See that the arrangements for delivering the feed water are such that the boilers cannot be injured thereby ;
- (h) Satisfy themselves that such boilers and their steam connections may be safely employed without peril to life ;
- (i) See that the safety valves are of suitable dimensions sufficient in number and properly arranged ;
- (j) See that the safety valve, weights or springs are properly adjusted so as to allow no greater pressure in the boilers than the amount prescribed by the inspection certificate ;
- (k) See that the boiler is provided with a sufficient number of gauge cocks and a properly inserted fusible plug so placed as to fuse by the heat of the furnace whenever the water in the boiler falls below its prescribed limits ;
- (l) Satisfy themselves that adequate and certain provision has been made for an ample supply of water to feed the boiler at all times so that in high pressure boilers the water shall not be less than four inches above crown of flue sheet in upright boilers ;
- (m) Satisfy themselves that means for blowing out are provided so that mud, sediment or scale may be removed while the boiler is under steam. No. 10 of 1898, s. 6.

**7.** The provisions of this Ordinance respecting the inspection of boilers shall not apply to any boiler insured and inspected by any duly incorporated boiler insurance company doing business in Canada if the owner or owners of such boiler shall when required by an inspector appointed under the provisions of this Ordinance produce the certificate of inspection from such company. No. 10 of 1898, s. 7.

Certain boilers exempted from operation of this Ordinance

**8.** For the purpose of seeing that the provisions of this Ordinance are complied with any of the inspectors appointed under this Ordinance may at any reasonable hour enter upon any lands or into any building where any steam boiler is operated.

Inspectors may enter premises

(2) Any person interfering with or obstructing any inspector in the performance of his duties under this Ordinance shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50. No. 10 of 1898, s. 8.

**9.** Every owner of a boiler shall cause it to be inspected at least once in each and every year by an inspector appointed under the provisions of this Ordinance and shall pay to such inspector a fee of \$5 for such inspection such fee to be forwarded by the inspector to the commissioner to be credited to the general revenue fund of the Territories.

Boilers to be inspected annually

(2) Upon the completion of any inspection the inspector shall issue to such owner a certificate of such inspection in accordance with form A in the schedule hereto.

Certificate to issue

(3) Such certificate shall be produced at any time by the owner upon the demand of an inspector appointed under the provisions of this Ordinance.

Production thereof

(4) Any one who employs a person to operate a steam boiler who has not a certificate or permit under this Ordinance shall be guilty of an infraction of this Ordinance. No. 10 of 1898, s. 9.

**10.** In subjecting to hydrostatic tests boilers usually designated as high pressure inspectors shall assume one hundred and twenty-five pounds to the square inch as the maximum pressure allowable as a working pressure for new boilers of forty-two inches diameter, made in the best manner of plates one-fourth of an inch thick of good materials. No. 10 of 1898, s. 10.

Hydrostatic tests

**11.** Inspectors shall rate the working pressure of all boilers according to their strength as compared with the standard provided in the preceding section but the working pressure allowed in the operation of any boiler shall not exceed three-fourths of the hydrostatic test pressure to which such boiler has been subjected at the time of the inspection. No. 10 of 1898, s. 11.

Working pressure of boiler

**12.** In addition to the annual inspection of all boilers required by this Ordinance it shall be the duty of each inspector to examine and inspect at any time any boilers which may be

Owner to repair boiler when required

reported to him to be in an unsafe condition and to notify in writing the owner or person using such boiler to make such repairs as he may deem necessary in order to render such boiler serviceable and safe for use. No. 10 of 1898, s. 12.

Unsafe boiler  
not to be used

**13.** Any boiler declared to be unsafe by an inspector shall not be used until such repairs as are ordered by the inspector have been made and any person operating a boiler declared to be unsafe by an inspector before the repairs ordered by the inspector are completed shall be guilty of an offence and upon summary conviction thereof liable to a penalty of \$50. No. 10 of 1898, s. 13.

Penalty

Provision of  
fusible plug

**14.** Every steam boiler shall be provided with a fusible plug of good Banca tin inserted in the flues, crown sheet or other part of the boiler most exposed to the heat of the furnace when the water therein falls below the prescribed limit so that the plug will fuse and put the fire out. No. 10 of 1898, s. 14.

Steam gauge

**15.** Every steam boiler shall be provided with a reliable steam gauge of approved make. No. 10 of 1898, s. 15.

Inspector to  
have free  
access for  
inspection

**16.** The owner or operator of any steam boiler shall allow the inspector free access to the same and shall furnish water and fill the boiler to permit of the hydrostatic test being made and when necessary shall remove any jacket or covering from the boiler as directed by the inspector. He shall also assist the inspector in making his inspection and shall point out any defect that he may know of or believe to exist in the boiler or machinery connected therewith. No. 10 of 1898, s. 16.

Owner or  
operator to  
assist  
inspector

Boilers in  
course of  
construction  
or repair may  
be examined

**17.** Inspectors shall have the right at all reasonable hours to examine boilers in course of construction or undergoing repair and to refuse to grant a certificate of inspection for any boiler found to be improperly constructed or repaired or of which permission to make such inspection has been refused. No. 10 of 1898, s. 17.

Record to  
be kept

**18.** Every inspector shall keep a true record of all boilers inspected and all repairs ordered by him, of all boilers condemned by him as unsafe, of all accidents to boilers in his district whether by explosion or otherwise and of all casualties in connection with boilers in his district. No. 10 of 1898, s. 18.

Annual  
report

**19.** Every inspector shall render annually on or before the thirty-first day of January in each year a concise report to the commissioner of all inspections made by him during the preceding year and of all accidents and casualties that may have happened connected with the operation of steam boilers within his district. No. 10 of 1898, s. 19.

Operating  
boilers

**20.** Any person not holding a final or provisional certificate of qualification as an engineer under this Ordinance who at any

#### ENGINEERS.



time after six months after the 19th day of September 1898 <sup>without certificate</sup> operates any steam boiler or is in charge of any steam boiler while in operation whether as owner or as engineer shall be liable on summary conviction to a penalty of not less than <sup>Penalty</sup> \$5 and not more than \$50. No. 10 of 1898, s. 20.

**21.** The holder of a certificate of qualification as an engineer from any incorporated body authorised to grant such certificates of qualification for operating steam boilers and engines or from the Dominion or any Provincial government or from any competent authority in any other portion of the British Empire or the United States shall be entitled upon making application to the commissioner and upon payment of a fee of \$3 to obtain a certificate of qualification as an engineer and to be registered under the provisions of this Ordinance. <sup>Certificates to persons who hold certificates of qualification</sup>

(2) Any person who on the 19th day of September 1898 <sup>Provisional certificate</sup> had been during two years engaged in the operation of any steam boiler or boilers, upon producing a certificate of his uniform good conduct and sobriety from the owner or owners by whom he had been employed (if he be not himself the owner) and also from some responsible person not connected with the business of such owner or owners and a resident in the district in which such boiler or boilers have been so operated, shall be entitled upon making application to the commissioner within six months after the said date and upon payment of \$3 to receive a provisional certificate of qualification for any period not exceeding one year.

(3) The holder of a provisional certificate of qualification may at any time after the issue of such certificate upon the recommendation of an inspector be granted a final certificate of qualification as an engineer and be registered under the provisions of this Ordinance upon payment of a fee of \$3. <sup>Final certificate to holders of provisional certificates</sup>

(4) Before issuing a recommendation for the registration of and issue of a final certificate to the holder of any provisional certificate as provided by subsection 3 of this section the inspector shall thoroughly examine the holder of such provisional certificate as to his knowledge of the construction, care and operation of stationary steam boilers and engines and shall satisfy himself of the competency of the holder of such provisional certificate before recommending that he be registered and granted a final certificate under the provisions of this Ordinance. <sup>Examination of holders of provisional certificate</sup>

(5) The commissioner may upon due cause being shown <sup>Cancellation of certificate</sup> cancel any certificate issued under the provisions of this Ordinance. No. 10 of 1898, s. 21.

**22.** Any candidate who considers he has been unfairly dealt with by any inspector may appeal in writing to the commissioner setting forth such grievance and the commissioner shall at once cause such charge to be investigated and shall give a decision in the matter which shall be final. No. 10 of 1898, s. 22. <sup>Appeal from Inspector</sup>

Certificate to be posted or produced to inspector

**23.** Every person holding a certificate under this Ordinance shall expose it in some conspicuous place in the engine or boiler room in which he is employed or cause it to be attached to the engine or boiler which he is in charge of and in default shall be liable upon summary conviction to a penalty of not less than \$5 and not more than \$20.

(2) If such person be employed in charge of a portable engine and boiler he shall produce his certificate for inspection on being required so to do by any inspector.

Absence or nonproduction of certificate

(3) The absence of such certificate or its nonproduction on demand shall be *prima facie* evidence that the person operating the engine and boiler has no certificate. No. 10 of 1898, s. 23.

Year's service requisite

**24.** Any person (other than those mentioned in section 21 of this Ordinance) who may desire to qualify for registration and to obtain a certificate entitling him to operate steam boilers and engines connected therewith in the Territories shall serve twelve months as assistant to the holder of a final certificate issued in accordance with the provisions of this Ordinance and at the expiration of such term shall pass an examination before one of the inspectors appointed under this Ordinance to prove that he has the necessary knowledge of the construction, care and operation of stationary steam boilers and engines connected therewith; if the inspector conducting such examination is satisfied as to the knowledge and qualification of the candidate and also to his having served the term of twelve months as herein provided he shall issue a certificate to that effect. Upon filing this certificate with the commissioner and paying a fee of \$3 the candidate shall be duly registered and granted a final certificate.

Examination to follow

Fee

(2) Each candidate examined by an inspector as above provided shall pay such inspector a fee of \$3 for such examination. No. 10 of 1898, s. 24.

Persons acting in absence of certified engineer

**25.** In case any owner of a steam boiler shows to the satisfaction of an inspector that he is unable by reason of some unforeseen occurrence to immediately secure the services of a duly qualified person to operate such boiler the inspector may grant a permit to any person producing satisfactory evidence of good conduct and sobriety to operate such boiler for a period of ninety days from the date of such application and in such case no penalty shall be incurred by reason of operating such steam boiler during the period covered by such permit.

Fee for permit

(2) A fee of \$3 shall be paid to the inspector for every such permit issued by him. No. 10 of 1898, s. 25.

#### REGULATIONS AND FORMS.

Regulations and forms

**26.** The Lieutenant Governor in Council may from time to time make such regulations and prescribe such forms as may be deemed necessary for the proper carrying into effect of the provisions of this Ordinance. No. 10 of 1898, s. 26.

## FEES.

**27.** The fees payable under this Ordinance shall be paid into <sup>Fees</sup> the general revenue fund. No. 10 of 1898, s. 27.

## PENALTIES.

**28.** Any person guilty of a breach of any of the provisions <sup>Penalties</sup> of this Ordinance for which no provision is herein made shall on summary conviction thereof be liable to a penalty not exceeding \$50. No. 10 of 1898, s. 28.

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 SCHEDULE.

## FORM A.

## CERTIFICATE OF INSPECTION OF STEAM BOILER.

I hereby certify that I have this day inspected the steam boiler and steam connections owned by

of in the  
district of and  
described as follows :

and having applied hydrostatic pressure, hammer test and carefully examined the said boiler and connections have found the same in condition  
and therefore authorise a steam pressure of  
pounds as a working pressure for the said boiler and no more.

Dated this day of  
A.D., 1

This certificate expires on the day of  
1

Inspector.

## CHAPTER 18.

### An Ordinance respecting Ferries.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Ferries Ordinance.*"  
No. 29 of 1897, s. 1.

#### INTERPRETATION.

Interpretation      **2.** In this Ordinance unless the context otherwise requires—  
"Commissioner"      1. The expression "commissioner" means the Commissioner  
of Public Works of the Territories ;  
"Ferry"      2. The expression "ferry" or "ferries" means any scow,  
barge or boat used for the purpose of carrying passengers,  
freight, vehicles or animals across any river or other body of  
water ;  
"Licensee"      3. The expression "licensee" means any person or persons  
holding a license to operate a ferry in accordance with the  
provisions of this Ordinance. No. 29 of 1897, s. 2.

#### ISSUE OF FERRY LICENSES.

Issue of license      **3.** Subject to the provisions of this Ordinance the commissioner may at any time issue a license to any person or persons for the establishment and operation of a ferry or ferries on any river, stream or other body of water in the Territories granting the exclusive right to maintain and operate the said ferry or ferries within the limits specified in such license and upon such terms as to him may seem fit. No. 29 of 1897, s. 3.

#### **4.** No license shall be granted for—

Terms of license      (a) A longer term than three years ;  
(b) Any exclusive right for a greater limit than three miles up and three miles down the stream measured along the stream from the point at which the ferry is operated as specified in the license ;  
(c) Any ferry of which the scow, barge or boat is not of sufficient capacity to carry safely one waggon containing three thousand pounds together with two horses or other draught animals attached thereto. No. 29 of 1897, s. 4.

Size of ferry and limits of operation.      **5.** Every ferry license granted shall specify the kind and size of scow, barge or boat to be used in such ferrying, the limits of the stream, river or other body of water within which such ferry is to be operated, the period of time covered by such

license, the conditions of the nonfulfilment of which shall subject the license to cancellation and the provisions, reservations and liabilities provided by this Ordinance shall apply to every such license. No. 29 of 1897, s. 12.

**6.** The fee to be paid by a licensee on receiving a ferry License fee license as hereinbefore provided shall be \$1. No. 29 of 1897, s. 6.

#### TOLLS.

**7.** The maximum rate of tolls which may be charged Rate of tolls for each crossing by means of a licensed ferry shall be fixed from time to time by the Lieutenant Governor in Council and in every ferry license granted the maximum rate of tolls which can be collected shall be specified. No. 29 of 1897, s. 5.

**8.** Notwithstanding anything contained in this Ordinance no toll shall be charged for children going to or returning from No tolls to be charged school children school and in no case shall Her Majesty's mail be obstructed or charged more than the rates that may be charged according to the terms of the license between the hours of six o'clock in the morning and nine o'clock in the evening. No. 29 of 1897, s. 8.

#### FERRY HOURS.

**9.** Licensed ferries shall be run at all hours of the day and night (Sundays included) at which they are required unless in Hours when ferries are to run cases in which loss of life or injury to or loss of property is likely to result therefrom: but in every case in which a ferry is used after nine o'clock in the evening or before six o'clock in the morning double the rates specified in the license for such ferry may be charged. No. 29 of 1897, s. 7.

#### SCHEDULE OF FERRY RATES AND HOURS.

**10.** Every person holding a license for a ferry shall keep at all times posted up in a conspicuous place on such ferry a Schedule to be posted schedule certified by the Deputy Commissioner of Public Works showing the authorised ferry rates and the hours of crossing. No. 29 of 1897, s. 13.

#### REFUSAL TO PAY TOLLS.

**11.** If any person using an authorised ferry refuses to pay Punishment of persons refusing to pay tolls the authorised toll or rates chargeable for ferrying him or his property the licensee of such ferry may forthwith seize any property in possession of the offender then being ferried and hold the same and such person shall be guilty of an offence and upon summary conviction thereof shall be liable to a penalty of \$50 and in default of payment thereof to imprisonment for a period not exceeding two months and the property so seized shall be liable for payment of the fine and the tolls and the costs of the prosecution and may be sold under distress warrant to satisfy such charges. No. 29 of 1897, s. 20.

## GENERAL REGULATIONS.

Immediate  
approaches  
to ferry

**12.** The immediate approaches to every ferry shall be kept in such order and condition by the licensee as is necessary to make the ferry accessible at all times for loaded vehicles and animals attached thereto without danger or injury. No. 29 of 1897, s. 10.

Fords not to be  
blocked up

**13.** A ferry on any stream, river or other body of water that may be fordable at any time shall not be used to block up or injure such ford or fords or the landing therefrom nor shall the licensee do any act which will make the ford on any such stream, river or other body of water more difficult or dangerous than it would otherwise have been. No. 29 of 1897, s. 11.

Licensee liable  
for damage

**14.** Every person holding a license for a ferry shall be liable for all damages that may occur to persons or property while using such ferry resulting from any carelessness of such licensee or his agent or from any insufficiency in the strength or suitability of any of the appliances used in connection with the ferry. No. 29 of 1897, s. 18.

Licensee not  
to insult or  
injure persons  
or property

**15.** Any licensee using insulting language to or illtreating any person using or desiring to use such ferry or wilfully injuring any property in transit across such ferry shall be guilty of an offence and shall be liable upon summary conviction thereof to a penalty not exceeding \$100 and in default of payment thereof to be imprisoned for any period not exceeding three months and shall also forfeit his license for such ferry. No. 9 of 1897, s. 15 (1).

## INTERFERENCE WITH FERRY.

Punishment  
of persons  
interfering  
with licensee

**16.** Any person unlawfully interfering with the rights of any licensed ferryman by taking, carrying or conveying within the limits of any such ferry license across the stream, river or other body of water on which the same is situate any person or personal property or any vehicle or animal in any scow, barge or boat or on any raft or other contrivance for hire or reward or hindering or interfering with such licensee in any way shall be guilty of an offence and upon summary conviction thereof shall be liable to a penalty not exceeding \$100 for each such offence and in default of payment thereof to imprisonment for any period not exceeding three months. No. 29 of 1897, s. 19.

## PROVISION FOR LOW WATER.

Licensee to  
provide small  
boat or canoe

**17.** In case the water in any stream, river or other body of water in respect of which the license for the operation of a ferry has been issued becomes too shallow to permit of such ferry being operated the licensee shall provide and keep a small boat or canoe with which he shall transfer foot passengers and their baggage across such stream, river or other body of water and for such service the licensee shall be allowed to

charge the fees prescribed in his license for like services by means of the ferry. No. 29 of 1897, s. 9.

#### INSPECTION OF FERRIES.

**18.** The commissioner may from time to time appoint such person as he may see fit to inspect and report on the condition of any ferry or with reference to the complaint of any person using or desiring to use such ferry; and if at any time the person or persons holding a ferry license fail to comply with the written instructions of the commissioner by neglecting to repair any scow, barge or boat used in connection with such ferry or to provide a new scow, barge or boat in place of any one considered as being unsafe or by not providing safe and sufficient immediate approaches to such ferry he or they shall forfeit his or their license. No. 29 of 1897, s. 14. Inspection  
of ferries

#### PENALTIES FOR OFFENCES BY LICENSEES.

**19.** Any licensee violating any of the terms or conditions of his license or of this Ordinance shall be guilty of an offence and be liable on summary conviction thereof to a penalty not exceeding \$10 and in default of payment thereof to imprisonment for any period not exceeding one month unless the fine and costs are sooner paid; and shall be further liable to forfeit his license under the direction of the commissioner. No. 29 of 1897, s. 15 (2). Penalty for  
violating  
terms of  
license or  
Ordinance

**20.** No conviction under the next preceding section shall be a bar to the ordinary civil suit for damages by the person upon whose complaint the conviction was obtained. No. 29 of 1897, s. 16. Conviction  
not to bar  
civil suit

#### FEES, ETC.

**21.** All money received for ferry licenses, fees or bonuses under this Ordinance shall be deposited to the credit of the general revenue fund of the Territories. No. 29 of 1897, s. 17. Fees to be  
paid to  
revenue fund

#### PUBLIC FERRIES.

**22.** The commissioner may when he deems it expedient to do so establish and maintain a public ferry or ferries on any stream, river or other body of water in the Territories and may operate such ferry or ferries as public works collecting thereon only such tolls and fees as may be considered necessary to pay the expenses of operation. Commissioner  
may establish  
ferries as  
public works

(2) It shall not be necessary to issue a license for any ferry operated as a public work but the provisions of this Ordinance relating to the limits of any stream, river or body of water within which another ferry can be operated and in relation to the collection of tolls or fees shall be applicable to such ferries. No. 29 of 1897, s. 21.

## CHAPTER 19.

### An Ordinance respecting Public Health.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Public Health Ordinance.*" No. 27 of 1897, s. 1 : No. 11 of 1898, s. 1.

#### INTERPRETATION.

|                                    |   |
|------------------------------------|---|
| Interpretation                     | <b>2.</b> In this Ordinance unless the context otherwise requires—  |
| "House"                            | (a) The expression "house" means any place used as a dwelling ;   |
| "Contagious or infectious disease" | (b) The expression "contagious or infectious disease" includes small pox, scarlet fever, measles, German measles, diphtheria, Asiatic cholera and such other disease as may hereafter be declared contagious or infectious by the Lieutenant Governor in Council ;  |
| "Infected"                         | (c) The expression "infected" means that condition of any person or thing which is the effect of exposure to any contagious or infectious disease or contact with anything which has been so exposed under such circumstances as make it possible that such disease may be spread because of such exposure or contact ; |
| "Minister"                         | (d) The expression "minister" means the Attorney General or such other member of the Executive Council as the Lieutenant Governor may direct to administer this Ordinance in place of the Attorney General.   |
| "Medical practitioner"             | (e) The expression "medical practitioner" means any legally qualified medical practitioner. No. 27 of 1897, s. 2 ; No. 11 of 1898, ss. 2, 3.  |

#### PRECAUTIONS AGAINST CONTAGION.

### **3.** Any person who—

Certain  
offences  
defined

- |  |  |
|--|--|
|  | (a) Having reason to believe that he or any person over whom he has control whether as parent, guardian or master ; or that anything within his possession has become infected and who does or causes or permits to be done any act whereby any other person is or may become exposed to infection, or who refuses or neglects to cause such disinfection of any such person or thing as is herein prescribed ; or who |
|  | (b) Being occupant of any infected house causes or permits to enter therein any person who is not a medical  |



practitioner or other necessary attendant on the sick or a person acting under instructions from any health officer ; or who,

- (c) Not being an inmate of any infected house or a resident of any quarantined district or a medical practitioner or other necessary attendant on the sick or a person acting under instructions from any health officer knowingly enters any infected house or quarantined district ; or who,
- (d) Being a physician in attendance on any infected person fails to take such precautions as to disinfection of his person and clothing as are prescribed in the schedule hereto ; or who,
- (e) Being a nurse or other person charged with the care or nursing of any infected person or of any person ill of typhoid fever refuses or neglects to take such measures respecting the disinfection and disposal of the discharges from any such person as are prescribed in the schedule hereto ; or who,
- (f) Being owner or tenant of any infected house either by himself or his agent knowingly offers for sale or hire such house or any part thereof without first causing it to be disinfected as prescribed in the schedule hereto ; and for the purposes of this section a house shall be deemed to be let for hire to any part of which any person is admitted as a boarder or lodger ; or who,
- (g) Being the parent or guardian of any pupil in attendance at any school residing in any house which has become infected, or the proprietor of any house which has become infected at which any child is boarded or lodged, thereafter allows such pupil to attend any school without first delivering to the teacher of such school a medical practitioner's certificate certifying to the fact that the disinfection prescribed in schedule 2 hereto has been done under his direction both as to the person and clothing of the child and the house at which it is boarded or lodged,

shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$20 and costs of prosecution :

Provided that any healthy adult inmate of any house infected with measles, German measles or scarlet fever may under the direction of a medical practitioner be disinfected as to his person and clothing as prescribed in the schedule hereto and may thereupon be allowed to change his place of abode ; and

Provided that any inmate of any infected house may do whatever may be necessary to procure medical or other aid in any emergency.

(2) The medical practitioner in attendance or any health officer may order the removal of any infected person or thing to any hospital, pesthouse or any isolated building or tent Infected person or thing to be isolated

provided for the purpose. No. 27 of 1897, s. 3; No. 11 of 1898, ss. 4, 5, 6.

Notice of  
disease to be  
affixed to  
infected house

4. Whenever the occupant of any house has reason to believe that such house is infected he shall forthwith affix and shall during the whole period of such infection keep affixed to the outside of every outer door of such house a written notice of a size not less than four inches by six inches bearing the name of the disease with which such house is infected.

(2) Any person refusing or neglecting to comply with the provisions of this section shall be guilty of an offence and liable on summary conviction thereof to a fine not exceeding \$10 and costs of prosecution. No. 27 of 1897, s. 4; No. 11 of 1898, s. 7.

Notice to be  
posted by  
medical  
practitioner

5. Whenever any medical practitioner knows or has good reason to believe that any person is ill with any contagious or infectious disease he shall, except when he has to report to a health officer, within twenty-four hours thereafter cause a notice to be posted up on the house of which such person is an inmate and in a conspicuous place at or near the school house or post office nearest to the house of which such person is an inmate or at or near the school house or post office nearest to the office of such medical practitioner which notice shall state the name of the disease and of the occupant of the house and may be in the form A in schedule 1 to this Ordinance. No. 27 of 1897, s. 5.

Medical  
practitioner  
to inspect  
premises  
where infected  
person resides

6. Any medical practitioner attending any person ill of typhoid fever not within the limits of any city or town shall inspect the premises where such person resides and if he should have reason to believe that the water supply thereof has become contaminated by reason of any cesspool or privy pit being adjacent thereto he shall forthwith notify the owner or occupant of such premises to cause immediate removal of the contents thereof and the subsequent disinfection and filling up with earth of such cesspool or privy pit.

Penalty

(2) Any medical practitioner refusing or neglecting to comply with the provisions of this section shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$10 and costs of prosecution.

Penalty for  
neglecting to  
obey order

(3) Any person refusing or neglecting to obey any order or notice given pursuant to the provisions of this section shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$10 and costs. No. 27 of 1897, s. 10.

#### SANITARY INSPECTORS. HEALTH OFFICERS. QUARANTINE.

Appointment  
of sanitary  
inspector

7. The minister may at any time appoint a sanitary inspector to inspect and report on the sanitary condition of any premises not within the limits of any city or town.

(2) It shall be the duty of such inspector subject to the instructions of the minister to prosecute any person whom he

may have reason to believe guilty of an offence under any provision of this Ordinance. No. 27 of 1897, s. 11.

**8.** The minister may declare any area or district in quarantine because of the existence therein of any epidemic of contagious or infectious disease and may appoint any medical practitioner as health officer and may appoint a sanitary inspector or sanitary inspectors for such district during the continuance of such quarantine and may subject to the provisions of this Ordinance prescribe their powers, duties and remuneration. No. 27 of 1897, s. 12; No. 11 of 1898, s. 9.

Proclamation  
of quarantine  
district

Appointment  
of health  
officer

**9.** Any health officer or sanitary inspector may enter into and upon any premises in the district for which he is appointed and examine such premises; and if upon such examination he finds that the premises are in a filthy or unclean state or that any matter or thing is there which in his opinion may endanger the public health he may order the proprietor or occupant of the premises to cleanse and remove forthwith what is so found there; and in case the proprietor or occupant of the premises neglect or refuse to obey his instructions such health officer or sanitary inspector may call to his assistance any persons he may think fit and may enter on the premises and cleanse the same and remove therefrom and destroy what in his opinion it is necessary to remove or destroy for the preservation of the public health.

Power to act  
where public  
health  
endangered

(2) Any action taken by a health officer or sanitary inspector under the next preceding subsection shall be forthwith reported fully to the minister.

Reports to  
be made

(3) In the case of any prosecution for neglect or refusal to obey any order given by a health officer under the provisions of the first subsection to this section the justice who tries the case shall on conviction, in addition to any penalty which he may impose upon any such proprietor or occupant for such neglect or refusal order that the whole of the cost of doing, removing or destroying whatever is done, removed or destroyed in the interest of the public safety shall be paid by the person so convicted. No. 27 of 1897, s. 14.

Prosecution  
for neglect to  
obey orders

**10.** Where any quarantine district is established a health officer or sanitary inspector shall have power—

Powers of  
health officer  
in quarantine  
district

- (a) To prevent the departure or removal of persons or conveyances from or into any such locality;
- (b) To detain persons or conveyances who or which have been exposed to infection or contagion for inspection; and may order the cleansing, purifying and disinfecting thereof and anything contained therein at the expense of the owner, occupier or the person having the care and control thereof and may order the detention for this purpose of any steam boat, railway carriage or car and any public conveyance and anything contained therein and any person travelling thereby

as long as may be necessary to ensure that all danger of infection is past. No. 27 of 1897, s. 15.

City or town  
to appoint  
health officer

**11.** Every city or town shall appoint a health officer at the first meeting of its council in each year and subject to the provisions of this Ordinance may prescribe his powers, duties and remuneration and the clerk of such council shall file a notice of such appointment with the minister within fourteen days thereafter and if such notice be not filed the minister may appoint any resident medical practitioner of such city or town as health officer for the year then current and fix his remuneration which shall be recoverable as a debt by the health officer so appointed from the city or town. No. 27 of 1897, s. 20.

Report to be  
made

**12.** Every health officer of a city or town shall before the third day of every month report to the minister in the form B in schedule 1 to this Ordinance the number of cases of contagious or infectious disease and of typhoid fever arising within the limits of such city or town during the preceding month. No. 27 of 1897, s. 21.

Removal of  
persons from  
certain  
premises

**13.** Whenever a disease of a malignant and fatal character is discovered to exist in any house and such house is situate in an unhealthy or crowded place or is in a filthy or neglected state or is inhabited by too many persons the health officer having jurisdiction in the place in which it is situate may compel the inhabitants of such house to remove therefrom and may place them in some more healthful situation under good shelter until measures can be taken for the immediate cleansing, ventilation, purification or disinfection of such house. No. 27 of 1897, s. 22.

Quarantine  
periods  
Disinfection

**14.** The provisions respecting periods of quarantine and the formulæ for disinfection in schedule 2 to this Ordinance shall be deemed mandatory except when varied by the written order of a health officer or in the absence of a health officer of the medical practitioner in attendance:

Proviso

Provided that the minimum period of quarantine mentioned therein shall not be reduced. No. 27 of 1897, s. 24.

#### MODE OF BURIAL IN CERTAIN CASES.

Precautions  
as to burial

**15.** The body of any person who has died of scarlet fever, diphtheria, small pox or Asiatic cholera shall be buried privately under such precautions as to disinfection as are prescribed in schedule 2 hereto. No. 27 of 1897, s. 23.

#### REPORTS OF MEDICAL PRACTITIONERS.

Monthly  
report to  
minister

**16.** Every medical practitioner shall on or before the third day of each month cause a report to be mailed or delivered to the minister showing the number of cases of contagious or infectious diseases and of typhoid fever not within the limits of

any city or town which he has been called to attend during the month last past and such reports shall be in the form B in schedule 1 to this Ordinance:

Provided that any cases arising within the limits of any city or town shall be reported to the health officer of such city or town. No. 27 of 1897, s. 6.

#### EXPENDITURE UNDER ORDINANCE.

**17.** The Lieutenant Governor may order the payment of any fee, allowance or other remuneration for services rendered or supplies furnished under the provisions of this Ordinance out of the general revenue fund. No. 27 of 1897, s. 26. Payment of fees, etc.

**18.** Where the necessity and urgency for so doing is established to the satisfaction of the minister by reason of the inability of any person or the friends of any person who may be suffering from any infectious or contagious disease to provide for such person the medical aid, accommodation and such other services or articles necessary to mitigate or prevent the spread of any such disease the minister may in his discretion authorise the health officer or any other person to provide such medical aid, accommodation or other service or article as may be required for such person and the cost of the same may be defrayed by the Lieutenant Governor out of the general revenue fund. No. 27 of 1897, s. 16; No. 11 of 1898, s. 10. Payment for necessary and urgent expenditure

#### DISEASE OUTSIDE THE TERRITORIES.

**19.** When any part of the Territories becomes exposed to any contagious, infectious or epidemic disease then existing in any place outside the Territories the Lieutenant Governor in Council may declare that such disease exists in such place as aforesaid and proscribe all ingress to the Territories therefrom for a period to be named in such order. No. 27 of 1897, s. 13. Ingress from districts affected may be proscribed

#### ADDITIONAL REGULATIONS.

**20.** The Lieutenant Governor in Council may make regulations respecting compulsory vaccination and for the prevention of contagious and infectious diseases not inconsistent with any provisions of this Ordinance. No. 27 of 1897, s. 25. Lieutenant Governor in Council may make regulations

#### FORMS.

**21.** It shall be the duty of the minister to supply all medical practitioners with the forms provided for in this Ordinance. No. 27 of 1897, s. 7. Forms to be supplied

#### ENFORCEMENT OF ORDINANCE.

**22.** For the effectual enforcement of the provisions of this Ordinance it shall be lawful for any health officer to call in the aid of any policeman or constable and also to appoint quaran- Constables

tine constables who shall possess the powers ordinarily held by constables. No. 27 of 1897, s. 17; No. 11 of 1898, s. 11.

Arrest of  
offenders

**23.** Upon the direction of any health officer or sanitary inspector or on the information of any person or upon view of any disobedience or violation of any of the provisions of this Ordinance any peace officer or quarantine constable may arrest the offender by the authority of this Ordinance and without further warrant cause his person and clothing to be disinfected if necessary and convey him before a justice of the peace to be dealt with according to law. No. 27 of 1897, s. 18; No. 11 of 1898, s. 12.

#### PENAL CLAUSES.

Penalty for  
destroying  
or removing  
notices

**24.** Any person defacing, destroying or removing any notice provided for by this Ordinance before the disinfection herein provided for has been done shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$10 and costs. No. 27 of 1897, s. 9; No. 11 of 1898, s. 8.

Penalty for  
neglect of  
duty by  
medical  
practitioner

**25.** Any medical practitioner who refuses or neglects to comply with any of the provisions of sections 5 and 16 of this Ordinance shall be guilty of an offence and liable on summary conviction thereof to a fine of \$10 and costs of prosecution. No. 27 of 1897, s. 8.

Penalty for  
neglect to  
obey orders  
of health  
officer, etc.

**26.** Any person who neglects or refuses to obey any order given to him by a health officer, medical practitioner or sanitary inspector in pursuance of the provisions of this Ordinance shall be guilty of an offence and on summary conviction thereof be liable to a penalty not exceeding \$100 with costs of prosecution and upon failure of payment thereof forthwith after conviction be imprisoned for any term not exceeding three months. No. 26 of 1897, s. 27.

Penalty for  
assaulting,  
etc., health  
officer

**27.** Whoever assaults, obstructs, molests or hinders any health officer, constable or other person in the execution of any duty or exercise of any power conferred upon him by this Ordinance shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$25. No. 27 of 1897, s. 19.

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#### SCHEDULE 1.

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#### FORM A.

The house of (*here state name of occupant of the house*) on  
Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, west  
Meridian, is quarantined on account of (*here state name of  
disease*).

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1

Medical Practitioner.

FORM B.

Report of Contagious and Infectious Diseases attended by Dr. \_\_\_\_\_ of  
\_\_\_\_\_, during month of \_\_\_\_\_ A.D. 1 \_\_\_\_\_.

| Name of patient. | Age. | Sex. | Residence. | Disease. | Remarks. |
|------------------|------|------|------------|----------|----------|
|                  |      |      |            |          |          |

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1 \_\_\_\_\_ M.D.

## SCHEDULE 2.

## 1. Period of Quarantine—

|                 |               |  |
|-----------------|---------------|--|
| German measles, | 1 to 2 weeks  | } Dating from the develop-<br>ment of the last case. |
| Measles,        | 4           “ |  |
| Diphtheria,     | 6           “ |  |
| Scarlet fever,  | 4 to 7   “    |  |
| Small pox,      | 8           “ |  |
| Cholera,        | 6           “ |  |

## 2. Solutions for disinfecting discharges in the sick room—

- (a) Chloride of lime (fresh), 5 ounces; water, 1 gallon, mix; or
- (b) Carbolic acid, 5 ounces; water, 1 gallon, mix; or
- (c) Quick lime (fresh) 2 lbs.; water, 1 gallon, mix; or
- (d) Mercuric chloride, 2 drachms; water 1 gallon.

## Disinfection of clothing and bedding—

## (a) Underclothing and bed linen soiled by discharge:

- (1) Destruction by fire;
- (2) Immersion for 24 hours in solution of mercuric chloride—1 drachm to the gallon of water;
- (3) Immersion for 4 hours in solution of carbolic acid—2 ounces to the gallon; then boiling or exposure to superheated steam;
- (4) Exposure in tightly closed room for 12 hours to fumes of burning sulphur and saltpetre, in proportion of 3 lbs. of sulphur and 3 ounces of saltpetre to every 1,000 cubic feet of air space in the room; the clothing being previously cleaned and moistened;

## (b) Mattresses, blankets, etc.:

- (1) Destruction by fire;
- (2) Immersion in boiling water for one hour;
- (3) Immersion in solution of mercuric chloride, 1 drachm to the gallon, for 24 hours.

## 4. Disinfection of furniture and articles of wood, leather and porcelain—

Washing three times repeated with:

- (1) Mercuric chloride solution, 2 drachms to the gallon;
- (2) Fresh chloride of lime solution, 2 ounces to the gallon;
- (3) Solution of carbolic acid, 2 ounces to the gallon.

## 5. Disinfection of houses—

- (1) Solution mercuric chloride, 1 drachm to the gallon, to be used in washing floor, walls and ceiling at inter-



vals ; and when final disinfection is made every surface to be thoroughly scrubbed with soap and water and then with above solution and afterwards fumigated with sulphur as above directed for 24 hours.

6. Disinfection of the person—

Hands and general surface of the body of attendant of the sick and of convalescents to be washed with—

- (1) Solution chlorinated soda, 1 pint to the gallon,  
or
- (2) Solution carbolic acid, 2 ounces to the gallon,  
or
- (3) Solution mercuric chloride, 1 drachm to the gallon, for the hands only.

7. Disinfection of the dead—

Envelop the body in a sheet thoroughly saturated with—

- (1) Mercuric chloride solution, 2 drachms to the gallon, or
- (2) Carbolic acid solution, 5 ounces to the gallon,  
and place in a coffin and close up permanently, and inter within 24 hours if possible.

8. Precautions to be taken by physicians visiting cases of contagious and infectious diseases—

- (1) Either disinfection of clothing and exposed parts of the body after leaving the sick room ; or
- (2) The wearing of a rubber, linen or cotton garment to completely cover the ordinary clothing, and removal of same and disinfection of exposed parts of the body.  
No. 27 of 1897 ; No. 11 of 1898, s. 14.

## CHAPTER 20.

### An Ordinance to regulate Public Aid to Hospitals.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Hospitals Ordinance.*" No. 18 of 1892, s. 1.

#### INTERPRETATION.

Interpretation      **2.** In this Ordinance, unless the context otherwise requires—  
"Free patient"      1. The expression "free patient" shall mean every person admitted to a hospital for actual treatment and stay by or for whom or on whose behalf no money is paid or given or money's worth given for such treatment or stay.  
"Partially free patient"      2. The expression "partially free patient" shall mean every person admitted to a hospital for actual treatment and stay by or for whom or on whose behalf only part of the cost of such treatment and stay is paid in money or money's worth. No. 18 of 1892, s. 2.

#### GRANTS IN AID OF HOSPITALS.

Hospitals which may be aided      **3.** Aid from the public funds or general revenue of the Territories may be given to hospitals named in the schedule to this Ordinance upon the terms and under the provisions of this Ordinance. No. 18 of 1892, s. 3.

Grants from public moneys      **4.** In case of public moneys being appropriated for the purposes of this Ordinance by the Legislative Assembly every such hospital complying with the requirements of this Ordinance and of all orders made by the Lieutenant Governor in Council hereunder, shall receive in each year aid from such moneys to the extent and amount following that is to say :

1. Every such hospital shall have and receive ten cents per day for each day's actual treatment and stay of every patient ;

2. Every such hospital shall have and receive an additional grant of forty cents per day for each day's actual treatment and stay of every partially free patient admitted to or being within such hospital during the calendar year next preceding that for which such aid is granted less the number of days represented by any money's worth given for such treatment and stay at the cost of \$1 per day

3. Every such hospital shall have and receive an additional grant of forty cents per pay for each day's actual treatment of

every free patient admitted to or being within such hospital during the calendar year next preceding that for which such aid is given. No. 18 of 1892, s. 4.

**5.** If in any year the aggregate aid payable under this Ordinance shall exceed the amount of money so appropriated <sup>When appropriation insufficient</sup> then every such hospital shall only receive such sum as will bear the same proportion to the amount of aid which but for this section it would receive as the amount of money so appropriated bears to such aggregate aid as aforesaid. No. 18 of 1892, s. 5.

#### RETURNS.

**6.** The Lieutenant Governor in Council may from time to time fix and direct the particulars to be contained in and the form, manner and time of making returns and shall fix and direct the form and manner of oath, affirmation or declaration required for the verification of any such return and the person or persons by whom such oath shall be made. <sup>When and how returns to be made</sup> No. 18 of 1892, s. 6 ; No. 38 of 1897, s. 7 (1).

#### INSPECTION OF HOSPITALS.

**7.** The Lieutenant Governor may from time to time appoint an inspector or inspectors to visit and inspect every such hospital and make all proper inquiries as to the maintenance, management and affairs thereof; and by examination of the registers and by such other means as he or they may deem necessary all and every such inspector or inspectors shall particularly satisfy himself or themselves as to the correctness of any returns made under this Ordinance or under any order of the Lieutenant Governor in Council in that behalf; upon all which matters he or they shall make a report to the Lieutenant Governor. <sup>Inspection of hospitals</sup> No. 18 of 1892, s. 7 ; No. 38 of 1897, s. 7 (2).

#### FALSE RETURNS.

**8.** Any person who knowingly and wilfully makes or is a party to or procures to be made directly or indirectly any false return either under this Ordinance or any Order in Council, shall thereby incur a penalty of \$1000 which penalty may be recovered with costs by civil action or proceeding at the suit of the Crown in any form allowed by law in the Supreme Court of the Territories. <sup>a Penalty for making false return</sup> No. 18 of 1892, s. 8.

#### EXTENSION TO OTHER HOSPITALS.

**9.** The Lieutenant Governor in Council may by Order direct that any institution similar to those named in the schedule hereto shall be thereafter taken as named in the said schedule; and thereupon and thereafter any such institution shall receive aid under this Ordinance after the manner and to the same extent as the institutions named in the said schedule. <sup>Extension of aid to other hospitals</sup> No. 18 of 1892, s. 9.

## SCHEDULE.

|  |   |                           |
|--|---|---------------------------|
| The Medicine Hat General Hospital.       | } | No. 18 of 1892.           |
| The Calgary General Hospital.            |   |                           |
| The Holy Cross Hospital, Calgary.        |   |                           |
| The Saint Albert Hospital, Saint Albert. |   |                           |
| The Galt Hospital, Lethbridge.           | } | No 8 of 1896.             |
| The Edmonton General Hospital.           |   |                           |
| The Saltcoats Cottage Hospital.          |   |                           |
| The Macleod General Hospital.            |   | No. 38 of 1897, s. 7 (3). |

# TITLE III.

## RELATING TO THE ADMINISTRATION OF JUSTICE.

### CHAPTER 21.

#### An Ordinance respecting the Administration of Civil Justice.

THE Lieutenant Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

##### SHORT TITLE.

1. This Ordinance may be cited as "*The Judicature Ordinance.*" No. 6 of 1893, s. 1.

##### INTERPRETATION OF TERMS.

2. In the construction of this Ordinance and the rules of Court, unless there is anything in the subject or context repugnant thereto, the several expressions hereinafter mentioned or referred to shall have or include the meanings following :

1. "Cause" includes any action, suit, or other original proceeding between a plaintiff and a defendant ;

2. "Action" includes suit and means a civil proceeding commenced by writ or in such other manner as may be prescribed by this Ordinance or by rules of Court ;

3. "Matter" includes every proceeding in the Court not in a cause ;

4. "Originating summons" means a summons by which proceedings are commenced without writ ;

5. "Plaintiff," "petitioner," "defendant," "party," "person," include bodies politic or corporate holding the relation of plaintiff, defendant or party ;

6. "Receiver" includes consignee or manager appointed by or under an order of the Court ;

7. "Plaintiff" includes any person asking any relief (other than by way of counterclaim as a defendant) against any other person by any form of proceeding, whether the same be taken by action, suit, petition, motion, summons or otherwise ;

- "Petitioner" 8. "Petitioner" includes every person making any application to the Court, either by petition, motion or summons, otherwise than as against any defendant ;
- "Defendant" 9. "Defendant" includes every person served with any writ of summons or process, or served with notice of or entitled to attend any proceedings ;
- "Party" 10. "Party" includes every person served with notice of or attending any proceeding, although not named in the record
- "Person" 11. "Person" includes a body corporate or politic ;
- "Clerk" 12. "Clerk" or ' clerk of the court " includes deputy clerk and, where the context requires it, process issuer ;
- "Sheriff" 13. "Sheriff" includes deputy sheriff, duly appointed bailiffs, coroner and other person discharging the duties of sheriff in the particular case or for the time being ;
- "Pleading" 14. "Pleading" includes any petition or summons (other than a writ of summons) and shall also include the statement in writing of the claim or demand of any plaintiff and of the defence of any defendant thereto and of the reply of the plaintiff to any counterclaim of a defendant ;
- "Judgment" 15. "Judgment" includes decree ;
- "Order" 16. "Order" includes rule ;
- "Affidavit,"  
"Oath" 17. "Affidavit" or "oath" includes affirmation where authorised by law ;
- "Rule of  
court" 18. "Rule of Court" or "rules of Court" shall mean the rules contained in this Ordinance or any rules of Court passed in pursuance or under the authority thereof ;
- "Lunatic" 19. "Lunatic" includes an idiot or other person of unsound mind ;
- "Execution  
creditor" 20. "Execution creditor" includes an assignee of the execution creditor. No. 6 of 1893, ss. 2, 424. No. 6 of 1897, s. 1 (1, 2, 3).

#### JURISDICTION.

- Jurisdiction 3. The jurisdiction of the Supreme Court of the North-West Territories shall be exercised so far as regards procedure and practice in the manner provided by this Ordinance and the rules of Court, and where no special provision is contained in this Ordinance or the said rules it shall be exercised as nearly as may be as in the Supreme Court of Judicature in England as it existed on the first day of January, 1898. No. 6 of 1893, s. 3. No. 12 of 1898, s. 3.
- Practice and  
procedure
- Entry and  
trial of suits,  
in what  
district 4. Suits shall be entered and unless otherwise ordered tried in the judicial district where the cause of action arose or in which the defendant or one of several defendants resides or carries on business at the time the action is brought.

(2) If in any judicial district there is a district of a deputy clerk established by Ordinance, suits in which the cause of

action arose or the defendant resides in such deputy clerk's district shall be entered in the office of the deputy clerk, and suits in which the cause of action arose or the defendant resides in the remaining portion of the judicial district shall be entered in the office of the clerk of the court, and if in any suit the cause of action arose in the deputy clerk's district and the defendant resides in the other portion of the judicial district, or *vice versa*, the suit may be commenced in either the clerk's or deputy clerk's office. No. 6 of 1893, s. 4; No. 12 of 1898, s. 4.

**5.** A judge sitting in chambers, if he shall announce that he is sitting in Court, shall have, possess, exercise and enjoy all the powers and authorities, rights, privileges, immunities and incidents of the said Court, and any judgment given or decision or determination, or rule, order or decree made by him while sitting as aforesaid in respect of any matter lawfully brought before him, shall be subject to the provisions in this Ordinance relating to appeal to the Court *en banc*. No. 6 of 1893, s. 5.

Judge in chambers  
Announce-  
ment that  
sitting in  
court

**6.** In every case in which the Court has authority to order the execution of a deed of conveyance, transfer or assignment of any property, real or personal, the Court may by order vest such real or personal estate in such person or persons and in such manner and for such estates as would be done by any such deed, conveyance, assignment or transfer if executed; and thereupon the order shall have the same effect as if the legal or other estate or interest in the property had been actually conveyed by deed or otherwise for the same estate or interest to the person in whom the same is so ordered to be vested, or in the case of a *chose in action* as if such *chose in action* had been actually assigned to such last mentioned person. No. 6 of 1893, s. 6.

Court may  
make vesting  
orders

**7.** The Supreme Court presided over by a single judge for the transaction of the business of the Court may sit and act at any time and place in each judicial district as any judge usually exercising the jurisdiction of the Court within such district appoints. No. 6 of 1893, s. 7.

Sittings of  
court

#### RULES OF LAW.

**8.** In every civil cause or matter commenced in the Supreme Court, law and equity shall be administered by such Court according to the following rules:

1. If any plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument or contract, or against any right, title or claim whatsoever asserted by any defendant or respondent in such cause or matter, or to any relief founded upon a legal right, the Court shall give to such plaintiff or petitioner such relief as would be given by the High Court of Justice in England in a suit or proceeding for the same or a like purpose;

Equitable  
estate, right  
or relief  
claimed by  
plaintiff

Equitable  
estate, right  
or relief  
claimed by  
defendant

2. If any defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument or contract, or against any right, title or claim asserted by any plaintiff or petitioner in such cause or matter, the said Supreme Court and every judge thereof shall give to every equitable estate, right or ground of relief so claimed and to every equitable defence so alleged, such and the same effect by way of defence against the claim of such plaintiff or petitioner as the High Court of Justice in England would give if the same or like matters had been relied on by way of defence in any suit or proceeding instituted in that Court for the same or like purpose ;

Counterclaim  
and third  
parties

3. The said Supreme Court and every judge thereof shall also have power to grant to any defendant, in respect to any equitable estate or right or other matter of equity and also in respect of any legal estate, right or title claimed or asserted by him, all such relief against any plaintiff or petitioner as such defendant shall have properly claimed by his pleading ; and also all such relief relating to or connected with the original subject of the cause or matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who shall have been duly served with notice in writing of such claim pursuant to this Ordinance, or any order of the Court as might properly have been granted against such person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose and every person served with any such notice shall thenceforth be deemed a party to such cause or matter with the same rights in respect of his defence against such claim as if he had been duly sued in the ordinary way by such defendant ;

Equitable  
rights  
appearing  
incidentally

4. The said Court and every judge thereof shall recognize and take notice of all equitable estates, titles and rights and all equitable duties and liabilities appearing incidentally in the course of any cause or matter, in the same manner in which the High Court of Justice in England would have recognized and taken notice of the same in any suit or proceeding duly instituted therein.

Final  
determination  
of matters in  
controversy

5. The Supreme Court in the exercise of its jurisdiction in every cause or matter pending before it shall have power to grant, and shall grant either absolutely or on such reasonable terms and conditions as to it shall seem just all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim properly brought forward by them respectively in such cause or matter ; so that as far as possible all matters so in controversy between the said parties respectively may be completely and finally determined and all multiplicity of legal proceedings concerning any such matters avoided. No. 6 of 1893, s. 9.

Multiplicity  
of proceedings  
to be avoided

Lunatics  
Jurisdiction  
of court

9. In the case of lunatics and their property and estates, the jurisdiction of the Court shall, subject to the rules of Court, include that which in England is conferred upon the Lord High Chancellor by a Commission from the Crown under the Sign Manual. No. 6 of 1893, s. 425.



**10.** The law to be administered in the Territories as to the matters next hereinafter mentioned shall be as follows :

1. No claim of a *cestui que trust* against his trustee for any Express trusts property held on an express trust or in respect of any breach of such trust shall be held to be barred by any Statute of Limitations.

2. An estate for life without any impeachment of waste Equitable waste shall not confer or be deemed to have conferred upon the tenant for life any legal right to commit waste of the description known as equitable waste unless an intention to confer such right shall expressly appear by the instrument creating such estate.

3. There shall not be any merger by operation of law only Merger of any estate the beneficial interest in which would not be deemed to be merged or extinguished in equity.

4. A mortgagor entitled for the time being to the possession Mortgagors of land, rights of action of or receipt of the rents and profits of any land as to which no notice of his intention to take possession or to enter into the receipt of the rents and profits thereof shall have been given by the mortgagee may sue for such possession, or sue or distrain for the recovery of such rents or profits or to prevent or recover damages in respect of any trespass or other wrong relative thereto in his own name only unless the cause of action arises upon a lease or other contract made by him jointly with any other person and in that case he may sue or distrain jointly with such other person.

5. In case of an assignment of a debt or other *chose in action*, Assignment of chose in action if the debtor, trustee or other person liable in respect of such debt or *chose in action* shall have had notice that such assignment is disputed by the assignor or any one claiming Conflicting claims under him, or of any other opposing or conflicting claims to Interpleader such debt or *chose in action*, he shall be entitled if he think fit to call upon the several persons making claim thereto to interplead concerning the same.

6. Stipulations in contracts as to time or otherwise which Stipulations in contracts as to time, etc. would not heretofore have been deemed to be or to have become of the essence of such contracts in a Court of Equity, shall receive in the Territories the same construction and effect as they would in equity.

7. Part performance of an obligation either before or after Part performance when satisfaction a breach thereof when expressly accepted by the creditor in satisfaction or rendered in pursuance of an agreement for that purpose though without any new consideration shall be held to extinguish the obligation.

8. A mandamus or an injunction may be granted or a receiver Interlocutory mandamus appointed by an interlocutory order of the Court or judge in Injunction all cases in which it shall appear to the Court or judge to be Receiver just or convenient that such order should be made and any such order may be made either unconditionally or upon such terms and conditions as the Court or judge shall think just ; and if an injunction is asked, either before or at or after the

hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass such injunction may be granted, if the Court or judge shall think fit whether the person against whom such injunction is sought is or is not in possession under any claim of title or otherwise or (if out of possession) does or does not claim a right to do the act sought to be restrained under any colour of title and whether the estates claimed by both or by either of the parties are legal or equitable.

Damages in addition to or instead of injunction or specific performance

9. In all cases in which the Court has jurisdiction to entertain an application for an injunction against a breach of any covenant, contract or agreement or against the commission or continuance of any wrongful act or for the specific performance of any covenant, contract or agreement, the Court if it thinks fit may award damages to the party injured either in addition to or in substitution for such injunction or specific performance and such damages may be ascertained in such a manner as the Court may direct, or the Court may grant such other relief as it may deem just.

Orders of court as against purchasers

10. An order of the Court under any statutory or other jurisdiction shall not as against a purchaser whether with or without notice be invalidated on the ground of want of jurisdiction or of want of any concurrence, consent, notice or service.

Rules of equity to prevail

11. Generally in all matters in which there is any conflict or variance between the rules of Equity and Common Law, with reference to the same matter the rules of Equity shall prevail.

Evidence

12. Subject to the provisions of any Act of the Parliament of Canada and of any Ordinance the laws of evidence which govern in the administration of civil justice in England shall obtain in the Courts.

Minors

13. Minors may sue for wages in the same way as if of full age. No. 6 of 1893; ss. 10, 548, 549.

#### CLERK'S DUTIES.

clerk's duties

**11.** The duties of the clerk shall be :

Hours of office

1. To attend at his office and keep the same open between the hours of ten in the forenoon and four in the afternoon on all days except Sundays and holidays and except on Saturdays and during vacation when the same shall be closed at one o'clock in the afternoon.

Official duties

2. On application of any person by himself or his agent,

- (a) To receive all complaints and other papers required to be filed in Court ;
- (b) To issue all writs of summons, warrants, precepts, writs of execution and other documents rendered necessary or requisite for the effectual disposition of such matters ;
- (c) Tax costs, enter judgments and record all judgments and orders pronounced, given and made ;

3. To keep an account of all fines, fees and moneys payable or paid into Court entering all such amounts in proper approved books in which shall be entered regularly under separate headings all the proceedings taken in any suit, all moneys received and paid out and the persons to whom and by whom the same have been paid which books shall be accessible at all times to suitors and the public ;

Accounts  
and books

4. To attend all sittings of the judge in chambers unless his attendance is dispensed with by the judge ; and

Sitting in  
chambers

5. To do and perform all such other acts and duties as may be necessary for the due administration of civil justice in the Territories. No. 6 of 1893, s. 17 ; No. 7 of 1895, s. 2 ; No. 6 of 1897, s. 1 (6).

Duties  
generally

12. In the absence of the clerk the judge may appoint a suitable person to perform the duties prescribed in the preceding section. No. 6 of 1897, s. 1 (6).

Absence  
of clerk

13. All books, papers, documents and moneys in the possession of the clerk by virtue of or appertaining to his office shall upon his resignation, removal or death immediately become the property of such person as the judge usually exercising jurisdiction in the district shall appoint as clerk pending the appointment of a new clerk of the court. No. 6 of 1893, s. 17 (4).

On vacancy  
Appointment  
of substitute  
Disposition  
of books,  
documents  
and moneys

#### PUBLIC ADMINISTRATORS.

14. In each judicial district or for such other portion of the Territories as may be deemed desirable the Lieutenant Governor may appoint a fit and proper person being an advocate of not less than five years' standing to be a public administrator and official guardian under the name of public administrator. No. 6 of 1897, s. 20.

Public  
administrator  
and official  
guardian

15. When any person dies whether testate or intestate and his lands, personal estate and effects have not been taken possession of by his executors or next of kin the public administrator in the judicial district where the property or any of the property is situated is hereby empowered and it shall be his duty when the facts are brought to his notice to forthwith take possession of the said lands, personal estate and effects and the same to safely keep, preserve and protect and pending the grant of probate to an executor or the issue of letters of administration as the case may be the public administrator shall have all the powers of an executor or administrator. No. 6 of 1897, s. 21.

Duty as to  
neglected  
property of  
deceased

16. In the absence of any application for probate of a will or for letters of administration within one month after the decease of any person leaving property, letters of administration to the lands, personal estate and effects of the deceased may be granted to the public administrator :

Issue of  
letters of  
administration  
to public  
administrator

Provided nevertheless that such letters of administration may at any time after the grant thereof be revoked in the

Revocation of

discretion of the judge upon the application of any executor applying for probate of will or next of kin of the deceased applying for letters of administration. No. 6 of 1897, s. 23.

Security by  
Public  
administrator

**17.** Each public administrator shall furnish security to the satisfaction of the Lieutenant Governor in Council in the penal sum of \$2,000 conditional for the due performance of his duties; but shall not otherwise be required to furnish security as administrator unless the judge specially so directs and such security may be furnished by bond or agreement of any guarantee company approved by the Lieutenant Governor in Council. No. 6 of 1897, s. 27.

May be  
required to  
apply for  
letters of  
administration

**18.** After the expiry of one month from the death of any person leaving property any person interested in the estate may by written notice require the public administrator (if he has not already done so) to apply for letters of administration and it shall then be the duty of the said public administrator to make such application provided the person making such requisition shall make such deposit with the public administrator as a judge may deem sufficient to cover his costs, charges and expenses if the public administrator so desire. No. 6 of 1897, s. 30.

Yearly  
statement of  
emoluments

**19.** During the month of January in each year the public administrator shall furnish to the Lieutenant Governor in Council a statement in detail verified on oath of the emoluments of his office for the preceding year ending the 31st day of December. No. 6 of 1897, s. 31.

#### PRACTICE AND PROCEDURE.

Practice and  
procedure

**20.** The practice and procedure in the Supreme Court of the Territories shall be regulated by this Ordinance and the rules of Court; but the judges of the Supreme Court or a majority of them shall have power to frame and promulgate such additional rules of Court not inconsistent with this Ordinance as they may from time to time deem necessary or expedient. No. 6 of 1897, s. 1 (9).

Rules of court

**21.** Subject to the provisions of this Ordinance and the rules of Court the practice and procedure existing in the Supreme Court of Judicature in England on the first day of January, 1898, shall as nearly as possible be followed in all causes, matters and proceedings. No. 6 of 1897, s. 1 (9); No. 12 of 1898, s. 31.

Existing rules  
continued

**22.** The rules of Court already made and promulgated by the judges of the Supreme Court are hereby continued in force until repealed, altered or amended by them. No. 6 of 1897, s. 19.

# RULES OF COURT.

[The division of these rules into orders and headings is not to affect the interpretation thereof.]

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## Part I.

### General Practice and Procedure.

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#### ORDER I.

##### FORM AND COMMENCEMENT OF ACTION.

1. Every action except as otherwise provided shall be commenced by writ of summons in form A in the schedule hereto which writ shall be issued by the clerk upon receiving from the plaintiff or his advocate a *præcipe* therefor in which shall be set forth

Commence-  
ment  
of action  
  
Præcipe

- (a) The names of the parties to the action ; and
- (b) Their places of residence temporary or otherwise ; and
- (c) The residence of the plaintiff's advocate if such writ be issued by an advocate. No. 6 of 1893, s. 19.

2. At the time of the issue of the writ the plaintiff or his advocate shall leave with the clerk two copies of the plaintiff's statement of claim and of the relief or remedy to which he claims to be entitled ; one of such copies shall be attached to such writ by the clerk and the other shall be filed by him in his office and a copy of such statement of claim shall be attached to each copy of such writ required for service. No. 6 of 1893, s. 20.

Statement  
of claim

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#### ORDER II.

##### WRIT OF SUMMONS.

##### I.—*Generally.*

3. Every writ of summons and also (unless otherwise provided) every other writ shall bear the date of the day on which the same is issued.

Writs to be  
dated

(2) When the defendant resides in the judicial district whence the writ of summons issued the writ shall be returnable after the expiration of twenty days from the service upon the defendant.

Time for  
return of writ

(3) When the defendant resides in a judicial district other than that in which the writ issued the writ shall be returnable after the expiration of twenty-five days from the service thereof:

May be  
shortened

Provided that the judge may by order shorten the time for the return of such writ. No. 6 of 1893, s. 21; No. 6 of 1897, s. 1 (7, 8).

## II.—*Concurrent Writ.*

Defendants  
residing in  
different  
judicial  
districts

4. When in any action there are two or more defendants, one or more residing in the judicial district whence the writ issues and the other or others residing in another judicial district, a concurrent writ may issue for service on the defendant or defendants residing in such other judicial district and such concurrent writ shall be returnable after the expiration of twenty-five days from the service thereof:

Proviso

Provided that the judge may by order shorten the time for the return of such writ or may order that service of the original writ upon all the defendants shall in such case be sufficient. No. 6 of 1893, s. 21 (3); No. 6 of 1897, s. 1 (8).

Writ  
concurrent to  
original

5. The plaintiff in any action may at the time of or at any time within twelve months after the issuing of the original writ of summons issue one or more concurrent writ or writs each concurrent writ to show date of the original writ and be marked with the word "concurrent" in the margin and the date of issuing the concurrent writ:

Provided always that such concurrent writ or writs shall only be in force for the period during which the original writ in such action shall be in force.

Concurrent  
writ for  
service *ex*  
*juris*

(2) When after writ is issued it is made to appear that the defendant or one of several defendants is without the Territories on application as is hereafter provided for service out of the jurisdiction the judge may order a concurrent writ to issue. No. 6 of 1893, ss. 21 (4), 23.

## III.—*Renewal.*

Duration  
of writ

Application  
for renewal

6. No original writ of summons shall be in force for more than twelve months from the date thereof including the day of such date; but if any defendant therein named shall not have been served therewith the plaintiff may before the expiration of the twelve months apply to the judge for leave to renew the writ and the judge if satisfied that reasonable efforts have been made to serve such defendant or for other good reason may order that the original or concurrent writ of summons (or both) be renewed for six months from the date of such renewal inclusive and so from time to time during the currency of the renewed writ; and the writ shall in such case be renewed by being marked with the day, month and year of such renewal and shall be so marked by the clerk upon the plaintiff or his advocate filing the judge's order and presenting to him the said writ; and a writ of summons so renewed shall remain in force and be available to prevent the operation of any statute whereby the

time for the commencement of the action may be limited and for all other purposes from the date of the issuing of the original writ of summons. [E. 45.] No. 6 of 1893, s. 24.

7. The production of a writ of summons purporting to have been renewed in manner aforesaid shall be sufficient evidence of the writ having been so renewed and of the commencement of the action as of the first date of such renewed writ for all purposes. [E. 46.] No. 6 of 1893, s. 25.

Evidence of  
renewal and  
commence-  
ment of action

#### IV.—*Lost Writ.*

8. Where a writ of which the production is necessary has been lost the judge upon being satisfied of the loss and of the correctness of a copy thereof may order that such copy shall be sealed and used in lieu of the original writ. [E. 47.] No. 6 of 1893, s. 26,

Copy may  
be sealed

#### V.—*Indorsement by Advocate.*

9. The advocate of a plaintiff suing by an advocate shall indorse on the writ the address of the plaintiff and also his own name or firm and place of business and also, if his place of business shall be more than three miles from the clerk's office whence the writ issues, another proper place within such three miles to be called his "address for service," where statements of defence, notices, summonses, orders and other documents, proceedings and written communications in the suit may be left for him; and when a plaintiff sues in person he shall indorse on the writ his occupation and place of residence and if his residence be more than three miles from the clerk's office as aforesaid another proper place within such three miles to be called his "address for service," where statements of defence, notices, summonses, orders and other documents, proceedings and written communications in the suit may be left for him. In case of the omission to supply an address for service as aforesaid all papers requiring service may be posted in the clerk's office and in such case be deemed good service. [E. 19 and 20.] No. 6 of 1893, s. 22.

Indorsement  
on writ by  
advocate

Plaintiff suing  
in person

Address for  
service  
Omission to  
supply

10. Every advocate whose name is signed to or indorsed on any writ of summons shall on demand in writing made by or on behalf of any defendant who has been served therewith or has appeared thereto declare forthwith whether such writ has been issued by him or with his authority or privity and on declaration by such advocate that the writ was not issued by him or with his authority or privity all proceedings upon the same shall be stayed and no further proceedings shall be taken thereupon without leave of the judge. No. 6 of 1893, s. 27.

Disclosure  
by advocate  
whose name  
is indorsed

#### VI.—*Change of Advocate.*

11. A party suing or defending by an advocate may change his advocate in any cause or matter without an order for that purpose upon notice of such change being filed in the clerk's

Notice of  
change of  
advocate

office in which the cause or matter is proceeding; but until such notice is filed and a copy thereof served the former advocate shall be considered the advocate of the party until the final conclusion of the cause or matter. [E. 44.] No. 6 of 1893, s. 28.

Employment  
of advocate  
after  
proceeding  
in person

12. Where a party after having sued or appeared in person has given notice in writing to the opposite party or his advocate through an advocate that such advocate is authorised to act in the cause or matter on his behalf all writs, notices, pleadings, summonses, orders, warrants and other documents, proceedings and written communications which ought to be delivered to or served upon the party on whose behalf the notice is given shall thereafter be delivered to or served upon such advocate. No. 6 of 1893, s. 29.

### ORDER III.

#### SERVICE OF WRIT OF SUMMONS.

##### 1.—*Generally.*

Service  
by whom

13. Service of a writ of summons may be made by the sheriff, his deputy or bailiff or by any literate person other than a plaintiff but except by order of a judge no fees for service shall in such latter case be allowed. No. 6 of 1893, s. 30.

Fees

Manner of  
service

14. Service of writ of summons shall be effected by copy as follows :

Personal

1. By personal service anywhere in the Territories ;

On  
representative  
of absent  
defendant

2. In case any defendant is out of the Territories but has an agent, managing clerk or other representative resident and carrying on his business within the same service of the writ of summons may be made on such agent, managing clerk or other representative ;

Corporation

3. Every writ of summons issued against a corporation and all other proceedings in an action against a corporation may be served on the president or other head officer or on the cashier, manager, treasurer, secretary, clerk, agent or other representative by whatsoever name or title he be known of such corporation or of any branch or agency thereof in the Territories ; and every person who within the said Territories transacts or carries on any business of or for any corporation whose chief place of business is without the said Territories shall for the purpose of being served with a writ of summons or any other proceedings as aforesaid in an action against or at the suit of such corporation be deemed the agent thereof ;

Partnerships

4. Where persons are sued as partners in the name of their firm the writ shall be served either upon any one or more of the partners or at the principal place within the Territories of



the business of the partnership upon any person having at the time of service the control or management of the partnership business there and such service shall be deemed good service upon the firm; [E. 53.]

5. Where one person carrying on business in the name of a firm apparently consisting of more than one person shall be sued in the firm name the writ may be served at the principal place within the Territories of the business so carried on upon any person having at the time of service the control or management of the business there and such service if sufficient in other respects shall be deemed good service on the person so sued whether any of the members thereof are out of the jurisdiction or not and no leave to issue a writ against them shall be necessary; [E. 54.]

6. Service of a writ of summons in an action to recover possession of land may, in case of vacant possession, when it cannot be otherwise effected, by leave of the judge be made by posting a copy of the writ and statement of claim upon the door of the dwelling house or other conspicuous part of the premises; [E. 56.]

7. When husband and wife are both defendants to the action they shall both be served unless the judge shall otherwise order;

8. When an infant is a defendant to the action service on his father or guardian or if none then upon the person with whom the infant resides or under whose care he is shall unless the judge otherwise orders be deemed good service on the infant:

Provided that the judge may order that service made or to be made on the infant shall be deemed good service;

9. When a lunatic or person of unsound mind is a defendant to the action service may be made as the judge may order. No. 6 of 1893, s. 31.

## II.—*Substitutional Service.*

15. In any case if it be made to appear to a judge that the plaintiff is from any cause unable to effect prompt personal service the judge may make such order for substituted or other service by advertisement or otherwise as may be just. No. 6 of 1893, s. 31, (4).

16. In any case if it be made to appear to a judge that the original writ has been served upon the defendant instead of a copy he may order that such service be good service and may in such order dispense with the production of such original. No. 6 of 1893, s. 31, (11).

## III.—*Indorsement of Service Unnecessary.*

17. It shall not be necessary for the person serving a writ of summons to indorse on the writ the day of the week and month of such service but the writ and statement of claim shall each

be marked as an exhibit to the affidavit of service by the person administering the oath. No. 6 of 1897, s. 1 (10).

## ORDER IV.

### SERVICE OUT OF THE JURISDICTION.

Service out of  
jurisdiction,  
when allowed

18. Service of a writ of summons on a defendant out of the Territories may be allowed by a judge whenever—

1. The whole subject matter of the action is land situate within the judicial district in which the action is to be brought (with or without rents or profits); or

2. Any act, deed, will, contract, obligation or liability affecting land or hereditaments situate within the judicial district the action is to be commenced in is sought to be construed, rectified, set aside or enforced in the action; or

3. Any relief is sought against any person domiciled or ordinarily resident within the jurisdiction; or

4. The action is for the administration of the estate of any deceased person who at the time of his death was domiciled within the judicial district or for the execution (as to property the whole or some part of which is within such district) of the trusts of any written instrument of which the person to be served is a trustee which ought to be executed according to the laws of the Territories; or

5. The action is for the recovery of any debt contracted within the jurisdiction or is founded on any breach or alleged breach within the jurisdiction of any contract wherever made which according to the terms thereof ought to be performed within such jurisdiction or is founded on a tort committed within the jurisdiction; or

(6) An injunction is sought as to anything to be done within the jurisdiction or any nuisance within the jurisdiction is sought to be prevented or removed whether damages are or are not also sought in respect thereof; or

(7) Any person out of the jurisdiction is a necessary or proper party to an action properly brought against some other person duly served within the jurisdiction; or

(8) The action is upon a foreign judgment and it is proved to the satisfaction of a judge that the defendant has assets within the North-West Territories. No 6 of 1893, s. 32; No. 21 of 1896, s. 1.

Application  
for leave

19. Every application for leave to serve such writ of summons on a defendant out of the jurisdiction shall be before writ issued except as hereinbefore provided for and supported by affidavit stating that in the belief of the deponent the plaintiff has a good cause of action and showing in what place or country the defendant is or probably may be found and the

grounds on which the application is made; but no such leave shall be granted unless it shall be made sufficiently to appear to the judge that the case is a proper one for service out of the Territories aforesaid. No. 6 of 1893, s. 33.

20. Any order giving leave to effect such service shall limit a time after such service within which such defendant is to enter an appearance such time to depend on the place or country where or within which the writ is to be served. [E. 68.] No. 6 of 1893, s. 34. Time for appearance

21. In any such case if it be made to appear to a judge that service as ordered out of the jurisdiction cannot be made and that reasonable efforts (showing them) have been made to effect such service the judge may make an order for substitutional service by advertisement or otherwise as may seem proper. No. 6 of 1893, s. 34, (1). Substitutional service

22. In any case if it be made to appear to the judge that the whereabouts of the defendant is unknown after all reasonable efforts have been exhausted to ascertain them the judge may in any action affecting land in the Territories or in any other case in which he deems it proper dispense with any order for service out of the jurisdiction and make such order for service of the writ by advertisement or otherwise as he may deem proper subject to such terms and conditions as may be necessary to protect the defendant from injustice; but judgment shall not be entered on default of appearance in any such case until the judge is satisfied by such proof as he may require of the justice of the claim. No. 6 of 1897, s. 1, (11). Substitutional service where defendant's whereabouts unknown  
Judgment by default  
Proof of claim

## ORDER V.

### SERVICE OF OTHER PROCEEDINGS.

23. Where personal service of any notice, pleading, order, summons, warrant or other document, proceeding or written communication is required the service shall be effected as nearly as may be in the manner prescribed for the personal service of a writ of summons. No. 6 of 1893, s. 35. Service of notices, pleadings, etc.

24. Where personal service of any notice, pleading, summons, order, warrant or other document, proceeding or written communication is required and it is made to appear to the Court or a judge that prompt personal service cannot be effected the Court or the judge may make such order for substituted or other service or for the substitution for service of notice by letter, public advertisement or otherwise as may be just. No. 6 of 1893, s. 36. Substitutional service of notices, etc.

25. Admissions and acceptances of service of papers and documents purporting to be signed by or on behalf of an advocate need not be verified by affidavit but shall be accepted as *prima facie* proof. No. 6 of 1897, s. 1, (12). Admissions of service on advocates

## ORDER VI.

## PARTIES.

I.—*Generally.*

## Plaintiffs

## claiming

## jointly,

## severally or in

## the alternative

26. All persons in whom the right to any relief claimed is alleged to exist may be joined as plaintiffs whether jointly, severally or in the alternative; and judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief for such relief as he or they may be entitled to without any amendment but the defendant though unsuccessful shall be entitled to his costs occasioned by so joining any person who shall not be found entitled to relief unless the judge in disposing of the costs shall otherwise direct. [E. 123.] No. 6 of 1893, s. 37.

Wrong person  
named as  
plaintiff

27. Where an action has been commenced in the name of the wrong person as plaintiff or where it is doubtful whether it has been commenced in the name of the right plaintiff the judge may if satisfied that it has been so commenced through a *bona fide* mistake and that it is necessary for the determination of the real matter in dispute so to do order any other person to be substituted or added as plaintiff upon such terms as may be just. [E. 124.] No. 6 of 1893, s. 38.

Misjoinder  
of plaintiff

## Counterclaim

28. Where in any action any person has been improperly or unnecessarily joined as a coplaintiff and a defendant has set up a counter-claim or set off he may obtain the benefit thereof by establishing his set off or counter claim as against the parties other than the coplaintiff so joined notwithstanding the misjoinder of such plaintiff or any proceeding consequent thereon. [E. 125.] No. 6 of 1897, s. 1 (13).

Joinder of  
defendants

29. All persons may be joined as defendants against whom the right to any relief is alleged to exist whether jointly, severally or in the alternative; and judgment may be given against such one or more of the defendants as may be found to be liable according to their respective liabilities without any amendment. [E. 126.] No. 6 of 1893, s. 39.

Defendant  
need not be  
interested in  
all relief  
claimed

30. It shall not be necessary for every defendant to be interested as to all the relief prayed for or as to every cause of action included in any proceedings against him; but the judge may make such order as may appear just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in which he may have no interest. [E. 127.] No. 6 of 1893, s. 40.

Joinder of  
persons  
severally  
liable

31. The plaintiff may at his option join as parties to the same action all or any of the persons severally or jointly and severally liable on any one contract including parties to bills of exchange and promissory notes. [E. 128.] No. 6 of 1893, s. 41.

32. Where the plaintiff is in doubt as to the person from whom he is entitled to redress he may by leave of the judge on *ex parte* application join two or more defendants to the intent that the question as to which if any of the defendants is liable and to what extent may be determined as between all parties. [E. 129.] No. 6 of 1893, s. 42; No. 6 of 1897, s. 1 (14). Plaintiff in doubt as to person liable

33. Trustees, executors and administrators may sue and be sued on behalf of or as representing the property or estate of which they are trustees or representatives without joining any of the persons beneficially interested in the trust or estate and shall be considered as representing such persons; but the judge may at any stage of the proceedings order any such persons to be made parties either in addition to or in lieu of the previously existing parties. Trustees, etc., may sue and be sued as representatives

(2) If the plaintiff sues or the defendant is sued in a representative capacity the statement of claim shall show in what capacity the plaintiff or defendant sues or is sued as the case may be. [E. 130.] No. 6 of 1893, (43, 45).

34. Where there are numerous persons having the same interest in one cause or matter one or more of such persons may sue or be sued or may be authorised by the judge to defend in such cause or matter on behalf or for the benefit of all persons so interested. [E. 131.] No. 6 of 1893, s. 44. Suit or defence by one person for class

35. No cause or matter shall be defeated by reason of the misjoinder or nonjoinder of parties and the judge may in every cause or matter deal with the matter in controversy so far as regards the rights and interests of the parties actually before him. The judge may at any stage of the proceedings either upon or without the application of either party and on such terms as may appear just order that the names of any parties improperly joined whether as plaintiffs or defendants be struck out and that the names of any parties whether plaintiffs or defendants who ought to have been joined or whose presence in the cause may be necessary in order to enable the judge to effectually and completely adjudicate upon and settle all the questions involved in the cause or matter be added. Every party whose name is so added as a defendant shall be served with a summons or notice in such manner as the judge may order and the proceedings as against such party shall be deemed to have begun only on the service of such summons or notice. [E. 133.] No. 6 of 1893, s. 46. Misjoinder or nonjoinder not to defeat cause  
Striking out or adding parties

36. Any application to add or to strike out or substitute a plaintiff or defendant may be made to the judge at any time before trial supported by affidavit or at the trial of the action in a summary manner. [E. 134.] No. 6 of 1893, s. 47. Applications as to parties

## II.—Partners.

37. Any two or more persons claiming or being liable as co-partners and carrying on business within the jurisdiction may Suits in firm name

Disclosure  
of names of  
partners

sue or be sued in the name of the respective firms if any of which such persons were copartners at the time of the accruing of the cause of action; and any party to an action may in such case apply by summons to a judge for a statement of the names and addresses of the persons who were at the time of the accruing of the cause of action copartners in any such firm to be furnished in such manner and verified on oath or otherwise as the judge may direct.

(2) Any person carrying on business in the name of a firm apparently consisting of more than one person may be sued in the name of such firm. [E. 137, 648a.] No. 6 of 1893, ss. 48, 55.

Plaintiff firm,  
demand for  
names of  
persons  
composing

Default in  
furnishing

Effect when  
furnished

38. When a writ is sued out by partners in the name of their firm the plaintiffs or their advocates shall on demand in writing by or on behalf of any defendant forthwith declare in writing the names and places of residence of all the persons constituting the firm on whose behalf the action is brought; and if the plaintiffs or their advocates shall fail to comply with such demand all proceedings in the action may upon an application for that purpose be stayed upon such terms as the Court or a judge may direct; and when the names of the partners are so declared the action shall proceed in the same manner and the same consequences in all respects shall follow as if they had been named as the plaintiffs in the writ; but all the proceedings shall nevertheless continue in the name of the firm. [E. 648b.] No. 6 of 1893, s. 49.

Service on  
partnerships

39. Where persons are sued as partners in the name of their firm the writ shall be served either upon any one or more of the partners or at the principal place within the jurisdiction of the business of the partnership upon any person having at the time of service the control or management of the partnership business there; and subject to these rules such service shall be deemed good service upon the firm so sued whether any of the members thereof are out of the jurisdiction or not and no leave to issue a writ against them shall be necessary:

Proviso when  
dissolved

Provided that in the case of a copartnership which has been dissolved to the knowledge of the plaintiff before the commencement of the action the writ of summons shall be served upon every person within the jurisdiction sought to be made liable. [E. 648c.] No. 6 of 1893, s. 50.

Notice of  
capacity in  
which person  
served

40. When a writ is issued against a firm and is served as directed every person upon whom it is served shall be informed by notice in writing given at the time of such service whether he is served as a partner or as a person having control or management of the partnership business or in both characters. In default of such notice the person served shall be deemed to be served as a partner [E. 648d.] No. 6 of 1893, s. 51.

Appearance  
by partners

41. Where persons are sued as partners in the name of their firm they shall appear individually in their own names; but all subsequent proceedings shall nevertheless continue in the name of the firm. [E. 648e.] No. 6 of 1893, s. 52.

42. Where a writ is served upon a person having the control or management of the partnership business no appearance by him shall be necessary unless he is a member of the firm sued. Writ served on representative Appearance  
[E. 648f.] No. 6 of 1893, s. 53.

43. Any person served as a partner may enter an appearance under protest denying that he is a partner; but such appearance shall not preclude the plaintiff from otherwise serving the firm and obtaining judgment against the firm in default of appearance if no partner has entered an appearance in the ordinary form. Appearance under protest of person served as partner  
[E. 648g.] No. 6 of 1893, s. 54.

### III.—Administration and Execution of Trusts.

44. In any case in which the right of an heir-at-law or the next of kin or a class shall depend upon the construction which the Court or a judge may put upon an instrument and it shall not be known or shall be difficult to ascertain who is or are such heir-at-law or next of kin or class and the Court or judge shall consider that in order to save expense or for some other reason it will be convenient to have the questions of construction determined before such heir-at-law, next of kin or class shall have been ascertained by means of inquiry or otherwise the Court or judge may appoint some one or more persons to represent such heir-at-law next of kin or class and the judgment of the Court or judge in the presence of such persons shall be binding upon the heir-at-law, next of kin or class so represented. Determination of right of unascertained heirs at law, next of kin or class  
[E. 154.] No. 6 of 1897, s. 3.

45. Any residuary legatee or next of kin entitled to a judgment or order for the administration of the personal estate of a deceased person may have the same without serving the remaining residuary legatees or next of kin. Administration, rights of residuary legatee and next of kin  
[E. 155.] No. 6 of 1897, s. 4.

46. Any legatee interested in a legacy charged upon land and any person interested in the proceeds of land directed to be sold and who may be entitled to a judgment or order for the administration of the estate of a deceased person may have the same without serving any other legatee or person interested in the proceeds of the estate. Persons interested in proceeds of land  
[E. 156.] No. 6 of 1897, s. 5.

47. Any residuary devisee or heir entitled to the like judgment or order may have the same without serving any co-residuary devisee or co-heir. Residuary devisees or heirs  
[E. 157.] No. 6 of 1897, s. 6.

48. Any one of several *cestuis qui trustent* under any deed or instrument entitled to a judgment or order for the execution of the trusts of the deed or instrument may have the same without serving any other *cestui qui trust*. Cestuis qui trustent  
[E. 158.] No. 6 of 1897, s. 7.

49. In all cases of actions for the prevention of waste or otherwise for the protection of property one person may sue Protection of property

on behalf of himself and all persons having the same interest. [E. 159.] No. 6 of 1897, s. 8.

Executor,  
administrator,  
trustee

50. Any executor, administrator or trustee entitled thereto may have a judgment or order against any one legatee, next of kin or *cestui qui trust* for the administration of the estate or the execution of the trusts. [E. 160.] No. 6 of 1897, s. 9.

Conduct of  
proceedings

51. The Court or a judge may require any person to be made a party to any action or proceeding and may give the conduct of the action or proceeding to such person as he may think fit and may make such order in any particular case as he may think just for placing the defendant on the record on the same footing in regard to costs as other parties having a common interest with him in the matters in question. [E. 161.] No. 6 of 1897, s. 10.

Costs

Judgments  
or orders

52. Wherever in any action for the administration of the estate of a deceased person or the execution of the trusts of any deed or instrument or for the partition or sale of any hereditaments a judgment or an order has been pronounced or made affecting the rights or interests of persons not parties to the action the Court or judge may direct that any persons interested in the estate or under the trust or in the land shall be served with notice of the judgment or order; and after such notice such persons shall be bound by the proceedings in the same manner as if they had originally been made parties and shall be at liberty to attend the proceedings under the judgment or order. Any person so served may within one month after such service apply to the Court or judge to discharge, vary or add to the judgment or order. [E. 162.] No. 6 of 1897, s. 11; No. 12 of 1898, s. 40.

Service on  
persons not  
parties but  
interested

Appearance by

53. It shall not be necessary for any person served with notice of any judgment or order to obtain an order for liberty to attend the proceedings under such judgment or order but such person shall be at liberty to attend the proceedings upon entering an appearance in the clerk's office in the same manner and subject to the same provisions as a defendant entering an appearance. [E. 163.] No. 6 of 1897, s. 12.

Entry to  
be made  
of service

54. A memorandum of the service upon any person of notice of the judgment or order in any action under the next but one preceding section shall be entered in the clerk's office upon due proof by affidavit of such service and notice of a judgment or order served pursuant to such rule shall be entitled in the action and there shall be indorsed thereon a memorandum in the following form:

Indorsement  
on notice of  
judgment

Take notice that from the time of the service of this notice you (*or as the case may be, the infant or person of unsound mind*) will be bound by the proceedings in the above cause in the same manner as if you (*or the said infant or person of unsound mind*) had been originally made a party and that you (*or the said infant or*



person of unsound mind) may on entering an appearance at the clerk's office attend the proceedings under the within mentioned judgment (*or* order) and that you (*or* the said infant *or* person of unsound mind) may within one month after the service of this notice apply to the Court to discharge, vary or add to the judgment (*or* order.) [E. 164 and 165.] No 6 of 1897, s. 13; No. 12 of 1898, s. 41.

55. Notice of a judgment or order on an infant or person of unsound mind not so found by inquisition shall be served in the same manner as a writ of summons in an action. [E. 166.] No. 6 of 1897, s. 14.

Service on person under disability

56. In any cause or matter to execute the trusts of a will it shall not be necessary to make the heir-at-law a party but the plaintiff shall be at liberty to make the heir-at-law a party where he desires to have the will established against him. [E. 167.] No. 6 of 1897, s. 15.

Execution of trusts of will  
Parties

57. If in any cause, matter or other proceeding it shall appear to the Court or a judge that any deceased person who was interested in the matter in question has no legal personal representative the Court or judge may proceed in the absence of any person representing the estate of the deceased person or may appoint some person to represent his estate for all the purposes of the cause, matter or other proceeding on such notice to such person (if any) as the Court or judge shall think fit either specially or generally by public advertisement and the order so made and any order consequent thereon shall bind the estate of the deceased person in the same manner in every respect as if a duly constituted legal personal representative of the deceased had been a party to the cause, matter or proceeding. [E. 168.] No. 6 of 1897, s. 16.

Where no legal personal representative Court may dispense with or appoint representative

58. In any cause or matter for the administration of the estate of a deceased person no party other than the executor or administrator shall unless by leave of the Court or a judge be entitled to appear either in court or in chambers on the claim of any person not a party to the cause or matter against the estate of the deceased person in respect of any debt or liability. The Court or a judge may direct or give liberty to any other party to the cause or matter to appear either in addition to or in the place of the executor or administrator upon such terms as to costs or otherwise as they or he shall think fit. [E. 169.] No. 6 of 1897, s. 17.

Adminis-  
tration,  
Appearance at chambers in respect of creditors' claims

#### IV.—Constitutional Questions.

59. Whenever in any cause, matter or proceeding depending in the Supreme Court any question is raised as to the validity or constitutionality of any Ordinance of the Territories or whenever it is sought to have any Ordinance of the Territories declared or held *ultra vires* the party so raising or intending to

Questions raised involving validity of Ordinances

Notice to  
attorney  
general

raise such question shall forthwith give notice to the attorney general for the Territories accompanied by a copy of the pleadings or such other documents as may be necessary to clearly indicate the circumstances under which such question arises; and the attorney general or his agent shall be entitled to intervene and to be heard on the argument of such question; and whenever it appears to the Court or judge that any such question arises in any cause, matter or proceeding the Court or judge shall not decide such question until the attorney general is so notified (or as the Court or judge may direct) and given an opportunity of being heard by the Court or judge by himself or his agent. No. 6 of 1897, s. 18.

### V.—Third Party Procedure.

Notice to  
third party

60. Where a defendant claims to be entitled to contribution or indemnity over against any person not a party to the action he may by leave of the Court or a judge to be obtained *ex parte* issue a notice (hereinafter called the third party notice) to that effect stamped with the seal with which writs of summons are sealed; a copy of such notice shall be filed with the clerk and served on such person according to the rules relating to the service of writ of summons. The notice shall state the nature and grounds of the claim and shall unless otherwise ordered by the Court or a judge be served within the time limited for delivering his defence and therewith shall be served a copy of the statement of claim and a copy of the writ of summons in the action. [E. 170.] No. 6 of 1893, s. 57; No. 6 of 1897, s. 1 (16).

Filing and  
service

Appearance  
of third party

61. If a person not a party to the action who is served as mentioned in the preceding rule (hereinafter called the third party) desires to dispute the plaintiff's claim in the action as against the defendant on whose behalf the notice has been given or his own liability to the defendant the third party must enter an appearance in the action within ten days from the service of the notice. In default of his so doing he shall be deemed to admit the validity of the judgment obtained against such defendant whether obtained by consent or otherwise and his own liability to contribute or indemnify as the case may be to the extent claimed in the third party notice:

Admission by  
nonappear-  
ance

Leave to  
appear after  
default

Provided always that a person so served and failing to appear within the said period of ten days may apply to the Court or a judge for leave to appear and such leave may be given upon such terms if any as the Court or judge shall think fit. [E. 171.] No. 6 of 1893, s. 58.

Defendant  
suffering  
judgment by  
default

62. Where a third party makes default in entering an appearance in the action in case the defendant giving the notice suffer judgment by default he shall be entitled at any time after satisfaction of the judgment against himself or before such satisfaction by leave of the Court or a judge to enter judgment against the third party to the extent of the contribution or indemnity claimed in the third party notice;

Rights against  
third party

Provided that it shall be lawful for the Court or a judge to set aside or vary such judgment upon such terms as may seem just. [E. 172.] No. 6 of 1893, s. 59.

63. Where a third party makes default in entering an appearance in the action in case the action is tried and results in favour of the plaintiff the judge who tries the action may at or after the trial order the entry of such judgment as the nature of the case may require for the defendant giving the notice against the third party : Plaintiff succeeding Judgment for defendant against nonappearing third party

Provided that execution thereof be not issued without leave of the judge until after satisfaction by such defendant of the verdict or judgment against him ; and if the action is finally decided in the plaintiff's favour otherwise than by trial the Court or a judge may on application by motion or summons as the case may be order such judgment as the nature of the case may require to be entered for the defendant giving the notice against the third party at any time after satisfaction by the defendant of the amount recovered by the plaintiff against him. [E. 173.] No. 6 of 1893, s. 60. Proviso as to issue of execution

64. If a third party appears pursuant to the third party notice the defendant giving the notice or such third party may apply to the Court or a judge for directions and the Court or judge upon the hearing of such application may if satisfied that there is a question proper to be tried as to the liability of the third party to make the contribution or indemnity claimed in whole or in part order the question of such liability as between the third party and the defendant giving the notice to be tried in such manner at or after the trial of the action as the Court or judge may direct ; and if not so satisfied may order such judgment as the nature of the case may require to be entered in favour of the defendant giving the notice against the third party. [E. 174.] No. 6 of 1893, s. 61 ; No. 6 of 1897, s. 1 (17). Third party appearing Application for directions

65. The Court or judge upon the hearing of the application mentioned in the preceding rule may if it shall appear desirable to do so give the third party liberty to defend the action upon such terms as may be just or to appear at the trial and take such part therein as may be just and generally may order such proceedings to be taken, documents to be delivered or amendments to be made and give such directions as to the Court or judge shall appear proper for having the question most conveniently determined and as to the mode and extent in or to which the third party shall be bound or made liable by the judgment in the action. [E. 175.] No. 6 of 1893, s. 62. What directions may be given

66. The Court or a judge may decide all questions of costs as between a third party and the other parties to the action and may order any one or more to pay the costs of any other or others or give such directions as to costs as the justice of the case may require. [E. 176.] No. 6 of 1893, s. 63. Costs

67. Where a defendant claims to be entitled to contribution or indemnity against any other defendant to the action a notice Defendant claiming

against  
codefendant

may be issued and the same procedure shall be adopted for the determination of such questions between the defendants as would be issued and taken against such other defendant if such last mentioned defendant were a third party; but nothing herein contained shall prejudice the rights of the plaintiff against any defendant in the action. [E. 177.] No. 6 of 1893, s. 64.

Plaintiff not  
to be delayed  
by questions  
between  
defendants

68. A plaintiff is not to be unnecessarily delayed in recovering his claim by reason of the questions between defendants in which the plaintiff is not concerned; and the judge is to give such direction as may be necessary to prevent such delay of the plaintiff where this can be done on terms or otherwise without injustice to the defendants. No. 6 of 1893, s. 65.

### VI.—*Change of Parties.*

No abatement  
where cause  
of action  
continues

69. A cause or matter shall not become abated by reason of the marriage, death or insolvency of any of the parties if the cause of action survive or continue and shall not become defective by the assignment, creation or devolution of any estate or title *pendente lite*; and whether the cause of action survives or not there shall be no abatement by reason of the death of either party between the verdict or finding of the issues of fact and the judgment; but judgment may in such case be entered notwithstanding the death. [E. 178.] No. 6 of 1893, s. 66.

Judgment  
where death  
after verdict

Adding parties  
successors in  
interest

70. In case of the marriage, death or assignment or devolution of the estate by operation of law of any party to a cause or matter the judge may if it be deemed necessary for the complete settlement of all the questions involved order that the husband, personal representative, trustee or other successor in interest if any of such party be made a party in such manner and on such terms as the judge shall think just and make such order for the disposal of the cause or matter as may be just. [E. 179.] No. 6 of 1893, s. 67.

Continuation  
of action  
where change  
of interest

71. In case of an assignment, creation or devolution of any estate or title *pendente lite* the cause or matter may be continued by or against the person to or upon whom such estate or title has come or devolved. [E. 180.] No. 6 of 1897, s. 1 (18).

Adding parties  
where change  
of interest

72. Where by reason of marriage, death or assignment or any other event occurring after the commencement of a cause or matter and causing a change or transmission of interest or liability or by reason of any person interested coming into existence after the commencement of the cause or matter it becomes necessary or desirable that any person not already a party should be made a party or that any person already a party should be made a party in another capacity the judge may order that the proceedings shall be carried on between the continuing parties and such new party or parties in such manner and on such terms as may be thought proper. [E. 181.] No. 6 of 1893, s. 68.

73. Applications under rules 70 and 72 may be made *ex parte*. No. 6 of 1897, s. 1 (19). *Applications ex parte*

74. An order so obtained shall unless the Court or judge shall otherwise direct be served upon the continuing party or parties or their advocates and also upon each such new party unless the person making the application be himself the only new party and the order shall from the time of such service subject nevertheless to the next two rules be binding on the person served therewith and every person served therewith who is not already a party to the cause or matter shall be bound to enter an appearance thereto within the same time and in the same manner as if he had been served with a writ of summons. [E. 182.] No. 6 of 1897, s. 1 (19); No. 12 of 1898, s. 32. *Service of order*

75. Where any person who is under no disability or under no disability other than coverture or being under any disability other than coverture but having a guardian *ad litem* in the cause or matter shall be served with such order such person may apply to the Court or judge to discharge or vary such order at any time within twelve days from the service thereof. [E. 183.] No. 6 of 1897, s. 1 (19); No. 12 of 1898, s. 33. *Application to discharge order*

76. Where any person being under any disability other than coverture and not having a guardian *ad litem* in the cause or matter is served with any such order such person may apply to the Court or a judge to discharge or vary such order at any time within twelve days from the appointment of a guardian *ad litem* for such party and until such period of twelve days shall have expired such order shall have no force or effect as against such last mentioned person. [E. 184.] No. 6 of 1897, s. 1 (19). *Application to discharge order*

77. When the plaintiff or defendant in a cause or matter dies and the cause of action survives but the person entitled to proceed fails to proceed on application of the defendant (or the person against whom the cause or matter may be continued) the judge may order the plaintiff (or the person entitled to proceed) to proceed within a given period and in default of such proceeding judgment may be entered for the defendant or as the case may be for the person against whom the cause or matter might have been continued. [E. 185.] No. 6 of 1893, s. 69. *Death of sole plaintiff or defendant*  
*Omission to proceed with cause*

78. Where any cause or matter becomes abated or in the case of any such change of interest as is by this order provided for the advocate for the plaintiff or person having the conduct of the cause or matter as the case may be shall certify the fact to the proper officer who shall cause an entry thereof to be made in the procedure book opposite to the name of such cause or matter. [E. 186.] No. 6 of 1897, s. 1 (20); No. 12 of 1898, ss. 30, 34. *Advocate for plaintiff to give notice of abatement, etc.*

## ORDER VII.

## JOINDER OF CAUSES OF ACTION.

**Uniting causes of action** 79. A plaintiff may unite in the same action several causes of action; but if it appears to the judge that any such causes of action cannot be conveniently tried or disposed of together he may order separate trials of any such causes of action to be had or may make such other order as may be necessary or expedient for the separate disposal thereof or may order any such causes of action to be excluded and consequential amendments to be made. [E. 188 and 196.] No. 6 of 1893, s. 70.

**Disposal separately**

## ORDER VIII.

## APPEARANCE.

**Entry of appearance by defendant** 80. Within the time limited for appearance by the writ of summons or afterwards before the plaintiff has taken any further step in the cause if the defendant or if there be more than one defendant in the action a defendant desires to contest the plaintiff's claim and defend the action he shall by himself or his advocate enter an appearance in the office of the clerk whence the writ of summons issued and within six days thereafter or such further time as may by order of the judge be allowed for the purpose file in the clerk's office a statement of defence and serve a copy thereof on the plaintiff or his advocate. No. 6 of 1893, s. 71; No. 5 of 1894, s. 2.

**Filing and service of defence**

**Indorsement on appearance** 81. Upon or with every appearance when entered a memorandum in writing shall be indorsed or attached giving the defendant's address or the address of his advocate if he defends by advocate; and if the defendant or his advocate resides over three miles from the clerk's office naming an address within three miles of the clerk's office where documents in the suit requiring service upon him may be left such place to be known and designated as his "address for service." [E. 80.] No. 6 of 1893, s. 72.

**Address for service**

**Service where no appearance or no address for service or false address** 82. Where no appearance has been entered for a party all orders, notices, papers, documents in or relating to the action may unless otherwise ordered by a judge be served by posting up the same or a copy thereof in the clerk's office; and where the address mentioned in the next preceding rule be not given all such orders, notices, papers and documents may be served in like manner; but if an address is supplied and such address be illusory or fictitious the judge may on application of the plaintiff direct the manner in which such orders, notices, papers and documents may be served. No. 5 of 1894, s. 3.

**Recovery of land** 83. Any person not named as a defendant in a writ of summons in an action for the recovery of the possession of land,

may by leave of the judge appear and defend on filing an affidavit showing that he is in possession of the land either by himself or by his tenant. [E. 95.] No. 6 of 1893, s. 75.

84. Any person appearing to defend an action for the recovery of the possession of land as landlord in respect of property whereof he is in possession only by his tenant shall state in his appearance that he appears as landlord. [E. 96.] No. 6 of 1893, s. 76.

85. Where a person not named as defendant in any writ of summons for the recovery of the possession of land has obtained leave of the judge to appear and defend he shall comply with the provisions of this order in respect of defendants appearing and defending and in all subsequent proceedings be named as a party defendant. [E. 97.] No. 6 of 1893, s. 77.

86. Any person appearing to a writ of summons for the recovery of the possession of land shall be at liberty to limit his defence to a part only of the property mentioned in the writ describing that part with reasonable certainty in his appearance and an appearance where the defence is not limited as above mentioned shall be deemed an appearance to defend for the whole. [E. 98.] No. 6 of 1893, s. 78.

87. A defendant before appearing shall be at liberty to apply to a judge to set aside the service of the writ upon him, to discharge or set aside the order authorising such service or to set aside the writ on the ground of irregularity or otherwise. No. 6 of 1897, s. 1 (21).

## ORDER IX.

### DEFAULT OF APPEARANCE.

88. Where no appearance has been entered to a writ of summons for a defendant who is an infant or a person of unsound mind not so found by inquisition the plaintiff shall before further proceeding with the action against the defendant apply to the Court or a judge for an order that some proper person be assigned guardian of such defendant by whom he may appear and defend the action; but no such order shall be made unless it appears on the hearing of such application that the writ of summons was duly served and that notice of such application was after the expiration of the time allowed for appearance and at least six clear days before the day in such notice named for hearing the application served upon or left at the dwelling house of the person with whom or under whose care such defendant was at the time of serving such writ of summons and also (in the case of such defendant being an infant not residing with or under the care of his father or guardian) served upon or left at the dwelling

house of the father or guardian if any of such infant unless the Court or judge at the time of hearing such application shall dispense with such last mentioned service. [E. 101.] No. 12 of 1898, s. 6.

Writ and  
affidavit of  
service to  
be filed

89. When any defendant fails to appear to a writ of summons and the plaintiff is desirous of proceeding upon default of appearance he shall before taking such proceeding upon default file the writ (or an order dispensing with such filing) with an affidavit of service or of compliance with any order for substitutional service as the case may be. [E. 102.] No. 6 of 1893, s. 80; No. 5 of 1894, s. 4.

Claim  
liquidated

90. Where the plaintiff's claim is for a debt or liquidated demand only and the defendant fails or all the defendants if more than one fail to appear thereto the plaintiff may after the time limited for appearance has elapsed enter final judgment for any sum not exceeding the sum claimed in the action together with legal interest and costs of suit. [E. 103.] No. 6 of 1893, s. 81.

Liquidated  
demand  
  
Several  
defendants

91. Where the plaintiff's claim is for a liquidated demand and there are several defendants of whom one or more appear and another or others of them fails to appear the plaintiff may enter final judgment as in the preceding section against such as have not appeared and may issue execution upon such judgment without prejudice to his right to proceed with the action against such as have appeared. [E. 104.] No. 12 of 1898, s. 7.

Claim,  
detinue and  
damages  
  
Nonappear-  
ance

92. Where the plaintiff's claim is for detention of goods and pecuniary damages or either of them and the defendant fails or all the defendants if more than one fail to appear on application of the plaintiff the judge may assess the value or amount of damages or either of them or order that they shall be ascertained in any way he may direct and judgment shall be entered thereupon with costs of suit. [E. 105.] No. 6 of 1893, s. 82.

Striking out  
appearing  
defendants

93. Where in an action for detention of goods and pecuniary damages or either of them there is more than one defendant and one or more of such defendants have appeared while one or other of the defendants have not the judge on application of the plaintiff may order the striking out of any one or more of the defendants who has or have appeared on payment of costs or otherwise as may be considered just and allow the plaintiff to proceed with his action against the defendant or defendants who has or have not appeared. No. 12 of 1898, s. 5.

Interlocutory  
judgment  
against  
nonappearing  
defendants

94. Where the plaintiff's claim is for detention of goods and pecuniary damages or either of them and there are several defendants of whom one or more appear to the writ and another or others of them fail to appear the plaintiff may sign interlocutory judgment against the defendant or defendants so



failing to appear and on application of the plaintiff the value of the goods and the damages or either of them as the case may be shall be assessed as against the defendant or defendant failing to appear at the same time as the trial of the action or issue therein against the other defendant or defendants unless the judge shall otherwise direct. [E. 106.] No. 12 of 1898, s. 8.

95. When the plaintiff's claim is for detention of goods and pecuniary damages or either of them and also for a liquidated demand and any defendant fails to appear to the writ the plaintiff may enter final judgment for the debt or liquidated demand, interest and costs against the defendant or defendants failing to appear and proceed as mentioned in such of the rules of this order as may be applicable. [E. 107.] No. 6 of 1893, s. 90. Claim, detinue and liquidated demand

96. In case no appearance shall be entered in an action for the recovery of land within the time limited for appearance or if an appearance be entered but the defence be limited to part only the plaintiff shall be at liberty to enter a judgment that the person whose title is asserted in the writ shall recover possession of the land or of the part thereof to which the defence does not apply with or without costs as the judge may order. [E. 108.] No. 6 of 1893, s. 91. Claim Recovery of land

97. When the plaintiff's statement of claim is for mesne profits, arrears of rent or damages for breach of contract and also for the recovery of land he may enter judgment as in the last preceding rule mentioned for the land and may proceed as in the other preceding rules mentioned as to such other claim. [E. 109.] No. 6 of 1893, s. 92. Claim, mesne profits, rent or damages and recovery of land

98. Where the action is in respect of a mortgage, lien or charge and the plaintiff claims foreclosure or sale or redemption or where the action is for the administration of an estate or partition the plaintiff if the defendant does not appear shall be entitled to such a judgment upon such evidence as the judge may order. No. 6 of 1893, s. 94. Claim: foreclosure, sale, redemption or administration

99. In any other action upon default of appearance by one or more defendants the plaintiff may apply *ex parte* to a judge for an order for judgment and the judge shall order such judgment to be entered as the plaintiff appears entitled to with or without evidence of the truth of the statement of claim (which may be given *viva voce* or by affidavit) in the discretion of the judge. No. 6 of 1897, s. 1 (22). Judgment in other actions

100. Any judgment entered upon default of appearance or in delivering any pleading or in compliance with any order may be set aside or varied by the Court or judge upon such terms as may be just. No. 6 of 1893, s. 95. Setting aside judgment by default

101. Where in an action there are several defendants of whom one or more have been served and another or others of Where several defendants,

some not  
served

them have not the Court or judge may order the striking out of the defendant or defendants not served and allow the plaintiff to proceed with his action against the defendant or defendants served on payment of costs or otherwise as may be considered just. No. 6 of 1893, s. 84.

Setting aside  
or varying  
orders or  
judgments

102. Any order made by the judge under any of the rules of this order and any judgment entered pursuant to such order may be set aside or varied by the judge or the Court upon such terms as may be just. [E. 110.] No. 6 of 1893, s. 93.

## ORDER X.

### STRIKING OUT APPEARANCE.

Application  
by plaintiff  
to strike out  
appearance  
where claim  
liquidated

103. Where the action is brought to recover a debt or a liquidated demand and the defendant or one or more of the defendants if there are several defendants has or have appeared the plaintiff or one of the plaintiffs if more than one may on affidavit of himself or of any other person who can swear positively to the facts verifying the cause of action and the amount claimed and stating that in his belief there is no defence to the action apply to the judge for leave to enter final judgment for the amount of the claim or the amount so verified as due the plaintiff together with interest (if any) and costs; and the judge may thereupon unless the defendant by affidavit or otherwise shall satisfy him that he has a good defence to the action on the merits or disclose such facts as may be deemed sufficient to entitle him to defend make an order empowering the plaintiff to enter judgment accordingly.

Judgment  
unless defence  
shown

Unliquidated  
demand  
included

(2) If on the hearing of the application under this rule it shall appear that a cause or causes of action other than for a debt or a liquidated demand have been joined therewith the judge may if he shall think fit forthwith amend the statement of claim by striking out such other cause or causes of action or may deal with such claims for debts or liquidated demands as if no other claim had been joined in the action and allow the action to proceed as respects the cause or causes of action other than for such debt or liquidated demand. [E. 115.] No. 6 of 1893, s. 96; No. 5 of 1894, s. 5.

Summons  
Service  
Affidavits

104. The application by the plaintiff under the last preceding rule shall be by summons. A copy of the summons and copies of affidavits and exhibits referred to therein (unless service of copies of such exhibits be dispensed with by the judge) shall be served at least four clear days before the summons is returnable. No. 6 of 1893, s. 97; No. 6 of 1897, s. 1 (23).

Defendant  
may show  
cause

105. The defendant may show cause against such application by affidavit of himself or some one who can swear positively to the facts or by offering to bring into court the amount claimed in the action. If by affidavit such affidavit shall state

whether the defence alleged goes to the whole or to part only and if so what part of the plaintiff's claim; and the judge may if he thinks fit order the defendant or whoever makes the affidavit on his behalf or in the case of a corporation any officer thereof to attend and be examined on oath and to produce any letters, books or documents or copies of or extracts therefrom. [E 117.] No. 6 of 1893, s. 98.

106. If it appears that the defence set up by the defendant applies only to a part of the plaintiff's claim or that any part of the claim is admitted the plaintiff may have judgment forthwith for such part of his claim as the defence does not apply to or is admitted subject to such terms (if any) as to suspending execution or otherwise as the judge may order and the defendant may be allowed to defend as to the residue of the plaintiff's claim. [E 118.] No. 6 of 1893, s. 99.

107. If it appears to the judge that any defendant has a good defence or ought to be permitted to defend the action and that any other defendant has not such defence and ought not to be permitted to defend the former may be permitted to defend and the plaintiff shall be entitled to have final judgment against the latter and have execution thereon without prejudice to his right to proceed with his action against the former. [E 119.] No. 6 of 1893, s. 100.

108. Leave to defend may be given unconditionally or subject to such terms as to giving security or time and mode of trial or otherwise as the judge may think fit. [E 120.] No. 6 of 1893, s. 101.

## ORDER XI.

### PLEADING GENERALLY.

109. Every pleading shall contain and contain only a statement in a summary form of the material facts on which the party relies for his claim or defence as the case may be but not the evidence by which they are to be proved and shall when necessary be divided into paragraphs numbered consecutively. Dates, sums, and numbers shall be expressed in figures and not in words. [E 200.] No. 6 of 1893, s. 102; No. 6 of 1897, s. 1 (24).

110. A defendant in an action may set off or set up by way of counter-claim against the claims of the plaintiff any right or claim whether such set-off or counterclaim sound in damages or not and such set-off or counterclaim shall have the same effect as a cross action so as to enable the judge to pronounce a final judgment in the same action both on the original and cross claim; but the judge may on application of the plaintiff before trial if in his opinion such set-off or counterclaim cannot be conveniently disposed of in the pending action

Proceeding  
with after  
claim  
disposed of

or ought not to be allowed refuse permission to the defendant to avail himself thereof; and if in any case in which the defendant sets up a counterclaim the action of the plaintiff is stayed, discontinued or dismissed the counterclaim may nevertheless be proceeded with. [E. 199 and 249.] No. 6 of 1893, s. 103.

Reply to  
counterclaim

111. Where a counter-claim is pleaded a reply thereto shall be subject to the rules applicable to statements of defence. [E. 279.] No. 6 of 1893, s. 104.

Further  
particulars

112. A further and better statement of the nature of the claim or defence (or written proceeding requiring particulars) may in all cases be ordered upon such terms as may be just; but the order therefor shall not *per se* operate as a stay of proceedings or give any extension of time. [E. 203 and 204.] No. 6 of 1893, s. 105.

Not guilty  
by statute

113. Nothing in this Ordinance shall affect the right of any defendant to plead not guilty by statute; but if the defendant so plead he shall not plead any other defence to the same cause of action without the leave of the judge and every plea of not guilty by statute shall have the same effect as a plea of not guilty by statute has heretofore had. [E. 208.] No. 6 of 1893, s. 106.

Allegations  
not denied  
admitted

114. Every allegation of fact in any pleading not being a petition or summons if not denied specifically or by necessary implication or stated to be not admitted in the pleading of the opposing party shall be taken to be admitted except as against an infant, lunatic or person of unsound mind not so found judicially. [E. 209.] No. 6 of 1893, s. 107.

Conditions  
precedent

115. Any condition precedent the performance or occurrence of which is intended to be contested shall be distinctly specified in his pleading by the plaintiff or defendant as the case may be; and subject thereto an averment of the performance or occurrence of all conditions precedent necessary for the case of the plaintiff or defendant shall be implied in his pleadings. [E. 210.] No. 6 of 1893, s. 108.

All grounds  
of defence or  
answer to  
be raised

116. The defendant or plaintiff as the case may be must raise by his pleadings all matters which show the action or counterclaim not to be maintainable or that the transaction is either void or voidable in point of law and all such grounds of defence or reply as the case may be as if not raised would be likely to take the opposite party by surprise or would raise issues of fact not arising out of the preceding pleadings. [E. 211.] No. 6 of 1893, s. 109.

Departure

117. No pleading not being a petition or summons shall except by way of amendment raise any new ground of claim or contain any allegation of fact inconsistent with the previous pleadings of the party pleading the same. [E. 212.] No. 6 of 1893, s. 110.

118. It shall not be sufficient for a defendant in his statement of defence to deny generally the grounds alleged by the plaintiff's statement of claim or for the plaintiff in his reply to deny generally the grounds alleged in a defence by way of counterclaim but each party must deal specifically with each allegation of fact of which he does not admit the truth except damages. [E. 213.] No. 6 of 1893, s. 111. Denials must be specific

119. When a party in a pleading denies an allegation of fact in the previous pleading of the opposite party he must not do so evasively but answer the point of substance. Thus if it is alleged that he received a certain sum of money it shall not be sufficient to deny that he received that particular amount but he must deny that he received that sum or any part thereof or else set out how much he received. And if an allegation be made with divers circumstances it shall not be sufficient to deny it along with those circumstances. [E. 215.] No. 6 of 1893, s. 112. Pleadings must answer point of substance and not be evasive

120. When a contract, promise or agreement is alleged in any pleading a bare denial of the same by the opposite party shall be construed only as a denial of fact of the express contract, promise or agreement alleged or of the matters of fact from which the same may be implied by law and not as a denial of the legality or sufficiency in law of such contract, promise or agreement whether with reference to the Statute of Frauds otherwise. [E. 216.] No. 6 of 1893, s. 113. Denial of contract

121. Whenever the contents of any documents are material it shall be sufficient in any pleading to state the effect thereof as briefly as possible without setting out the whole or any part thereof unless the precise words of the documents or any part thereof are material. [E. 217.] No. 6 of 1893, s. 114. Effect of documents may be alleged

122. Whenever it is material to allege malice, fraudulent intention, knowledge or other condition of the mind of any person it shall be sufficient to allege the same as a fact without setting out the circumstances from which the same is to be inferred. [E. 218.] No. 6 of 1893, s. 115. Allegation of malice, fraud, knowledge, etc.

123. Whenever it is material to allege notice to any person of any fact, matter or thing it shall be sufficient to allege such notice as a fact unless the form or the precise terms of such notice or the circumstances from which such notice is to be inferred be material. [E. 219.] No. 6 of 1893, s. 116. Allegation that person had notice

124. Whenever any contract or any relation between any persons is to be implied from a series of letters or conversations or otherwise from a number of circumstances it shall be sufficient to allege such contract or relation as a fact and to refer generally to such letters, conversations or circumstances without setting them out in detail; and if in such case the person so pleading desires to rely in the alternative upon more contracts or relations than one as to be implied from such cir- Contract or relation implied from letters, etc.

cumstances he may state the same in the alternative. [E. 220.] No. 6 of 1893, s. 117.

**Presumptions of law** 125. Neither party need in any pleading allege any matter of fact which the law presumes in his favour or as to which the burden of proof lies upon the other side unless the same has first been specifically denied. [E. 221.] No. 6 of 1893, s. 118.

**Want of form** 126. No technical objection shall be raised to any pleading on the ground of any alleged want of form. [E. 222.] No. 6 of 1893, s. 119.

**Unnecessary, scandalous or embarrassing matter** 127. The judge may at any stage of the proceedings order to be struck out or amended any matter in any statement or pleading which may be unnecessary or scandalous or which may tend to prejudice, embarrass or delay the fair trial of the action with or without costs to be paid by the party so offending. [E. 223.] No. 6 of 1893, s. 120; No. 6 of 1897, s. 1 (25).

**Loss of negotiable instrument** 128. In case of any action founded upon a bill of exchange or other negotiable instrument the judge may order that the loss of such instrument shall not be set up provided such indemnity as he approves of is given against the claims of any other person upon such negotiable instrument. No. 6 of 1893, s. 121.

**Pleadings written or printed** 129. Every statement or pleading may be either printed or written or partly written and partly printed. [E. 205.] No. 6 of 1893, s. 123.

## ORDER XII.

### PAYMENT INTO AND OUT OF COURT AND TENDER.

**Payment into court—  
(1) as satisfaction  
(2) with defence denying liability** 130. Where any action is brought to recover a debt or damages any defendant may before or at the time of delivering his defence or at any later time by leave of the Court or a judge pay into court a sum of money by way of satisfaction which shall be taken to admit the claim or cause of action in respect of which the payment is made; or he may with a defence denying liability (except in actions or counterclaims for libel or slander) pay money into court which shall be subject to the provisions of rule 135 hereof. [E. 255.] No. 6 of 1897, s. 1 (26).

**Defence to state payment in** 131. Payment into court shall be signified in the defence and the claim or cause of action in satisfaction of which such payment is made shall be specified therein. [E. 256.] No. 6 of 1897, s. 1 (26).

**Tender before action** 132. With a defence setting up a tender before action the sum of money alleged to have been tendered must be brought into court. [E. 257.] No. 6 of 1897, s. 1 (26).

133. If the defendant pays money into court before delivering his defence he shall serve upon the plaintiff a notice specifying both the fact that he has paid in such money and also the claim or cause of action in respect of which such payment has been made; and such notice shall be in the following form:

Payment before delivery of defence, notice to be served

“Take notice that the defendant has paid into court \$ \_\_\_\_\_, and says that that sum is enough to satisfy the plaintiff’s claim (or the plaintiff’s claim for, &c.)” No. 6 of 1897, s. 1 (26).

134. In the following cases of payment into court under this section, viz:

Payment out to plaintiff in certain cases

- (a) When payment into court is made before delivery of defence;
- (b) When the liability of the defendant in respect of the claim or cause of action in satisfaction of which the payment into court is made is not denied in the defence;
- (c) When payment into court is made with a defence setting up a tender of the sum paid;

the money paid into court shall be paid out to the plaintiff on his request or to his advocate on the plaintiff’s written authority unless the Court or a judge shall otherwise order. [E. 259.] No. 6 of 1897, s. 1 (26).

135. When the liability of the defendant in respect of the claim or cause of action in satisfaction of which the payment into court has been made is denied in the defence the following rules shall apply:

Where defendant denies liability acceptance of sum paid in

- (a) The plaintiff may accept in satisfaction of the claim or cause of action in respect of which the payment into court has been made the sum so paid in in which case he shall be entitled to have the money paid out to him as hereinafter provided notwithstanding the defendant’s denial of liability whereupon all further proceedings in respect of such claim or cause of action except as to costs shall be stayed: or the plaintiff may refuse to accept the money in satisfaction and reply accordingly in which case the money shall remain in court subject to the provisions hereinafter mentioned;
- (b) If the plaintiff accepts the money so paid in he shall after service of such notice in the form following, viz.:

“Take notice that the plaintiff accepts the sum of \$ \_\_\_\_\_ paid by you into court in satisfaction of the claim in respect of which it is paid in,”

or after delivery of a reply accepting the money be entitled to have the money paid out to himself on request or to his advocate on the plaintiff’s written authority unless the Court or a judge shall otherwise order;

Payment in  
not accepted

Proceeding  
with suit

- (c) If the plaintiff does not accept in satisfaction of the claim or cause of action in respect of which the payment into court has been made the sum so paid in but proceeds with the action in respect of such claim or cause of action or any part thereof the money shall remain in court and be subject to the order of the Court or a judge and shall not be paid out of court except in pursuance of an order. If the plaintiff proceeds with the action in respect of such claim or cause of action or any part thereof and recovers less than the amount paid into court the amount paid in shall be applied so far as is necessary in satisfaction of the plaintiff's claim and the balance (if any) shall under such order be repaid to the defendant. If the defendant succeeds in respect of such claim or cause of action the whole amount shall under such order be repaid to him. [E. 260.] No. 6 of 1897, s. 1 (26).

Payment in  
before defence

Acceptance  
in satisfaction

Notice thereof

Costs

136. The plaintiff when payment into court is made before delivery of defence may within four days after the receipt of notice of such payment or when such payment is first signified in a defence may before reply accept in satisfaction of the claim or cause of action in respect of which such payment has been made the sum so paid in in which case he shall give notice to the defendant in the form last mentioned and shall be at liberty in case the entire claim or cause of action is thereby satisfied to tax his costs after the expiration of four days from the service of such notice unless the Court or a judge shall otherwise order and in case of nonpayment of the costs within forty-eight hours after such taxation to sign judgment for his costs so taxed. [E. 261.] No. 6 of 1897, s. 1 (26).

Consolidated  
actions

137. Where money is paid into court in two or more actions which are consolidated and the plaintiff proceeds to trial in one and fails the money paid in and the costs in all the actions shall be dealt with under this order in the same manner as in the action tried. [E. 262.] No. 6 of 1897, s. 1 (26).

Counterclaim

138. A plaintiff may in answer to a counterclaim pay money into court in satisfaction thereof subject to the like conditions as to costs and otherwise as upon payment into court by a defendant. [E. 263.] No. 6 of 1897, s. 1 (26).

Payment out

139. Money paid into court under an order of the Court or a judge shall not be paid out of court except in pursuance of an order of the Court or judge:

Provided that where before the delivery of defence money has been paid into court by the defendant pursuant to an order under the provisions of rule 105 hereof he may (unless the Court or a judge shall otherwise order) by his pleading appropriate the whole or any part of such money and any additional payment if necessary to the whole or any specified portion of the plaintiff's claim; and the money so appropriated shall thereupon be deemed to be money paid into court pursuant to



the preceding rules of this order relating to money paid into court and shall be subject in all respects thereto. [E. 265.] No. 6 of 1897, s. 1 (26); No. 12 of 1898, s. 35.

140. In any cause or matter in which a sum of money has been awarded to or recovered by an infant or person of unsound mind not so found by inquisition the Court or a judge may at or after the trial order that the whole or any part of such sum shall be paid into court to the credit of an account intituled in the cause or matter; and any sum so paid into court and any dividends or interest thereon shall be subject to such orders as may from time to time be made by the Court or a judge concerning the same and may either be invested or be paid out of court or transferred to such persons to be held and applied upon and for such trusts and in such manner as the Court or a judge shall direct. [E. 269.] No. 6 of 1897, s. 1 (26); No. 12 of 1898, s. 36.

Persons under disability  
Moneys awarded to or recovered by

141. Money paid into court or securities purchased under the provisions of the last preceding rule and the dividends or interest thereon shall be sold, transferred or paid out to the party entitled thereto pursuant to the order of the Court or a judge. [E. 270.] No. 6 of 1897, s. 1 (26).

Disposition of  
moneys or securities

142. Where a cause or matter is tried by a judge with a jury no communication to the jury shall be made until after the verdict is given either of the fact that money has been paid into court or of the amount paid in. The jury shall be required to find the amount of the debt or damages as the case may be without reference to any payment into court. [E. 275a.] No. 6 of 1897, s. 1 (26).

Jury not to be  
informed of  
payment into  
court

143. Cash under the control of or subject to the order of the Court may be invested in Dominion securities upon order of a judge. [E. 271.] No. 6 of 1893, s. 146.

Investment  
of funds in  
court

144. All moneys paid into court shall so soon as received by a clerk or other proper official be deposited in one of the chartered banks of Canada to be named by the judge the same to be placed to a special account and styled "special account;" each deposit to reap the benefit of such rate of interest as the bank in which the deposit is made may agree to be paid to be from time to time added to the principal; and no moneys ordered to be paid out of court shall be withdrawn from the bank in which the same are deposited unless the cheque for withdrawal of the same is countersigned or initialled by the judge. No. 21 of 1896, s. 19.

Banking  
moneys paid  
into court

145. Notice of every application for the purpose of conversion of any securities shall be served upon such persons if any as the Court or judge may direct. [E. 272.] No. 6 of 1893, s. 147.

Conversion  
of securities,  
application for

## ORDER XIII.

## MATTERS ARISING PENDING THE ACTION.

Defence or  
reply to set-off  
or counter-  
claim arisen  
after action

146. Any ground of defence which has arisen after action brought but before the defendant has delivered his statement of defence and before the time limited for his doing so has expired may be raised by the defendant in his statement of defence either alone or together with other grounds of defence ; and if after a statement of defence has been delivered any ground of defence arises to any set-off or counterclaim alleged therein by the defendant it may be raised by the plaintiff in his reply either alone or together with any other ground of reply. [E. 282.] No. 6 of 1893, s. 148.

Ground of  
defence or  
reply arisen  
after pleading

Further  
answer may  
be served

147. Where any ground of defence arises after the defendant has delivered his statement of defence or after the time limited for his doing so has expired the defendant may and where any ground of defence to any set-off or counterclaim arises after reply or after the time limited for delivering a reply has expired the plaintiff may within eight days after such ground of defence has arisen or at any subsequent time by leave of the Court or judge deliver a further defence or further reply as the case may be setting forth the same. [E. 283.] No. 6 of 1893, s. 149.

Confession  
of defence

148. Whenever any defendant in his statement of defence or in any further statement of defence as mentioned in the last preceding rule alleges any ground of defence which has arisen after the commencement of the action the plaintiff may deliver a confession of such defence and may thereupon unless otherwise ordered by the judge have judgment for his costs up to the time such defence was pleaded. [E. 284.] No. 6 of 1893, s. 150.

## ORDER XIV.

## RAISING POINTS OF LAW, ETC.

Points of law  
raised by  
pleading  
Disposal of

149. Any party shall be entitled to raise by his pleading any point of law and any point so raised shall be disposed of by the judge who tries the cause at or after the trial provided that by consent of the parties or by order of the judge on the application of either party the same may be set down for hearing and disposed of at any time before the trial. [E. 286.] No 6 of 1893, s. 151.

Judgment  
where point  
raised disposes  
of action, etc.

150. If in the opinion of the Court or judge the decision of such point of law substantially disposes of the whole action or of any distinct cause of action, ground of defence, set-off, counterclaim or reply therein the Court or judge may thereupon dismiss the action or make such order therein as may be just. [E. 287.] No. 6 of 1893, s. 152.

151. The Court or judge may order any pleading to be struck out on the ground that it discloses no reasonable cause of action or answer and in any such case or in case of the action or defence being shown by the pleadings to be frivolous or vexatious the Court or judge may order the action to be stayed or dismissed or judgment to be entered accordingly as may be just. [E. 288.] No. 6 of 1893, s. 153.

152. No action or proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought thereby and the Court or judge may make binding declarations of right whether any consequential relief is or could be claimed or not. [E. 289.] No. 6 of 1893, s. 159.

## ORDER XV.

### REPLY OR CLOSE OF PLEADINGS.

153. A plaintiff shall deliver his reply if any within eight days after the defence or the last of the defences shall have been delivered unless the time shall be extended by the Court or judge. [E. 276.] No. 6 of 1893, s. 85.

154. No pleading subsequent to reply other than a joinder of issue shall be pleaded without leave of the Court or a judge and then shall be pleaded only upon such terms as the Court or judge shall think fit. [E. 277.] No. 6 of 1893, s. 86.

155. Subject to the last preceding rule every pleading subsequent to reply shall be delivered within eight days after the delivery of the previous pleading unless the time shall be extended by the Court or by a judge. No. 6 of 1893, s. 87.

156. If the plaintiff does not deliver a reply or any party does not deliver any subsequent pleading within the period allowed for that purpose the pleadings shall be deemed to be closed at the expiration of that period and all the material statements of fact in the pleading last delivered shall be deemed to have been denied and put in issue. [E. 306.] No. 6 of 1893, s. 88.

157. As soon as any party has joined issue upon the preceding pleading of the opposite party simply without adding any further or other pleading thereto or has made default as mentioned in the preceding rule the pleadings between such parties shall be deemed to be closed. [E. 280.] No. 6 of 1893, s. 89.

## ORDER XVI.

### DEFAULT OF PLEADING.

158. If the plaintiff's claim be only for a debt or liquidated demand and the defendant does not within the time allowed

for that purpose deliver a defence the plaintiff may at the expiration of such time enter final judgment for the amount claimed with costs. [E. 295.] No. 6 of 1893, s. 124.

Default of one  
or more  
defendants

159. When in any such action as in the last preceding rule mentioned there are several defendants if one of them make default as mentioned in the last preceding rule the plaintiff may enter final judgment against the defendant so making default and issue execution upon such judgment without prejudice to his right to proceed with his action against the other defendants. [E. 296.] No. 6 of 1893, s. 125.

Claim  
detinue and  
damages

160. If the plaintiff's claim be for detention of goods and pecuniary damages or either of them and the defendant or all the defendants if more than one make default in delivering a defence within the time allowed for that purpose the judge may on application of the plaintiff assess the value of the goods and amount of the damages or either of them as the case may be or order that they shall be ascertained in any way he may direct and judgment shall be entered thereupon with costs of suit. [E. 297.] No. 12 of 1898, s. 9.

Default of one  
or more  
defendants

161. When in any such action as in the preceding rule mentioned there are several defendants if one or more of them make default as in that rule defined the plaintiff may enter an interlocutory judgment against the defendant or defendants so making default and proceed with his action against the others and in such case the value and amount of damages against the defendant making default shall be assessed at the same time with the trial of the action or issues therein against the other defendants unless the Court or a judge shall otherwise direct. [E. 298.] No. 6 of 1893, s. 127.

Claim  
liquidated  
demand and  
debt and  
damages

162. If the plaintiff's claim be for a debt or liquidated demand and also for detention of goods and pecuniary damages or pecuniary damages only and any defendant make default in delivering his defence as aforesaid the plaintiff may enter final judgment for the debt or liquidated demand and also enter interlocutory judgment for the value of the goods and the damages or the damages only as the case may be and proceed as mentioned in the last two preceding rules. [E. 299.] No. 6 of 1893, s. 128.

Recovery  
of land

163. In an action for the recovery of land if the defendant make default in delivering a defence as aforesaid the plaintiff may enter a judgment that the person whose title is asserted in the writ of summons shall recover possession of the land with his costs. [E. 300.] No. 6 of 1893, s. 129.

Claim for  
mesne profits,  
arrears of  
rent or  
damages

164. Where the plaintiff's claim is for mesne profits, arrears of rent or double value in respect of the premises claimed or any part of them or damages for breach of contract or wrong or injury to the premises claimed in an action for the recovery of land if the defendant makes default in delivering a defence

as aforesaid or if there be more than one defendant some or one of the defendants make such default the plaintiff may enter judgment against the defaulting defendant or defendants and proceed as provided for in rules 160 and 161 hereof. [E. 301.] No. 6 of 1893, s. 130.

165. If the plaintiff's claim be for a debt or liquidated demand, the detention of goods and pecuniary damages or for any such matters or for the recovery of land and the defendant delivers a defence which purports to offer an answer to a part only of the plaintiff's alleged cause of action the plaintiff may by leave of the Court or a judge enter judgment final or interlocutory as the case may be for the part unanswered provided that the unanswered part consists of a separate cause of action or is severable from the rest as in the case of part of a debt or liquidated demand; provided also that where there is a counter-claim execution on any judgment as above mentioned in respect to the plaintiff's claim shall not be issued without leave of the Court or a judge. [E. 302.] No. 6 of 1893, s. 131.

Where a  
defence is  
delivered  
to part of  
claim only

166. In all other actions than those in the preceding rules of this Order mentioned if the defendant makes default in delivering a defence the opposite party may apply to the Court or a judge for such judgment if any as upon the pleadings he may appear to be entitled to; and the Court or judge may order judgment to be entered accordingly or make such other order as may be necessary to do complete justice between the parties. [E. 304.] No. 6 of 1893, s. 132.

Other actions,  
defendant  
in default

167. Where in any such action as mentioned in the last preceding rule there are several defendants then if one of such defendants make such default as aforesaid the plaintiff may either (if the cause of action is severable) set down the action at once on motion for judgment against the defendant so making default or may set it down against him at the time when it is entered for trial or set down on motion for judgment against the other defendants. [E. 305.] No. 6 of 1893, s. 133.

Where more  
than one  
defendant

168. In any case in which issues arise in an action other than between plaintiff and defendant if any party to any such issue makes default in delivering any pleading the opposite party may apply to the Court or a judge for such judgment if any as upon the pleadings he may appear to be entitled to; and the Court or judge may order judgment to be entered accordingly or may make such other order as may be necessary to do complete justice between the parties. [E. 307.] No. 6 of 1893, s. 134.

Default by  
parties other  
than plaintiff  
or defendant

## ORDER XVII.

### SETTING DOWN FOR TRIAL.

169. After the close of the pleadings the plaintiff may at any time on notice to the defendant apply to the judge for and ob-

Application  
to set down

Dismissal for  
want of  
prosecution

tain an order setting down the cause for trial at such time and place as the judge shall direct; but if such application be not made within three months after the close of the pleadings the defendant on notice may apply for and obtain an order to the like effect or that the plaintiff's action be dismissed out of Court with costs to the defendant; but the judge may instead of dismissing the action at once order such dismissal to take effect from a future date unless the plaintiff meanwhile proceeds with his action;

Plaintiff  
neglecting  
to set down  
after order  
made

(2) If the plaintiff having obtained an order setting the cause down for trial neglects to set the cause down and proceed to trial in pursuance thereof the defendant may apply to the judge for an order dismissing the action and the judge may thereupon make such order as he may deem proper. No. 6 of 1893, s. 154; No. 6 of 1897, s. 1 (27).

Jury in  
certain cases

170. On the application to set a cause down for trial if the action be for slander, libel, false imprisonment, malicious prosecution, seduction, breach of promise of marriage or if the action arises out of a tort, wrong or grievance in which the damages claimed exceed \$500 or if the action be for debt or founded on contract wherein the amount claimed or the damages sought to be recovered exceed \$1000 or if the action be for the recovery of real property and either party signify his desire to have the issues of fact therein tried by a judge with a jury or the judge so directs the same shall be tried by a jury. No. 6 of 1893, s. 155; 60-61. Vic. c. 32.

Order for trial  
by jury

171. The order for setting down a cause for trial by jury shall state by whom the necessary fees to be paid out shall be furnished and the party so named shall deposit with the clerk such sum as said clerk considers sufficient for the payment of jurors' fees and the expenses of summoning a sufficient number of persons to form the jury and the clerk shall after the trial pay the said jury and summoning fees and if any balance of the money so deposited with him remains unused after paying such fees return such balance to the party who deposited the same. No. 6 of 1893, s. 156.

Costs of jury

Jury

172. The jury for the trial of issues of fact in civil causes shall consist of six persons whose verdict shall be unanimous. No. 6 of 1893, s. 158.

Notice of trial

173. When a cause may have been set down for trial such notice shall be given as the order setting down directs. No. 6 of 1893, s. 122.

## ORDER XVIII.

### DISCONTINUANCE.

Discontinu-  
ance or

174. The plaintiff may at any time before receipt of the defendant's defence or after the receipt thereof before taking any

other proceeding in the action (save any interlocutory application) by notice in writing wholly discontinue his action against all or any of the defendants or withdraw any part or parts of his alleged cause of complaint and thereupon he shall pay such defendant's costs of the action or if the action be not wholly discontinued the costs occasioned by the matter so withdrawn. Such costs shall be taxed and such discontinuance or withdrawal as the case may be shall not be a defence to any subsequent action. Save as herein otherwise provided it shall not be competent for the plaintiff to withdraw the record or discontinue the action without leave of the Court or judge but the Court or judge may before or at or after the hearing or trial upon such terms as to the costs and as to any other action and otherwise as may be just order the action to be discontinued or any part of the alleged cause or complaint to be struck out. The Court or judge may in like manner and with the like discretion as to terms upon the application of a defendant order the whole or any part of his alleged grounds of defence or counterclaim to be withdrawn or struck out but it shall not be competent to a defendant to withdraw his defence or any part thereof without such leave. [E. 290.] No. 6 of 1893, s. 160.

withdrawal of part of claim after defence  
Costs  
Subsequent action  
Discontinu-  
ance at other  
stages  
Withdrawal  
of defence or  
counterclaim

175. When a cause has been entered for trial it may be withdrawn by either plaintiff or defendant upon producing to the clerk of the court a consent in writing signed by the parties. [E. 291.] No. 6 of 1893, s. 161.

Withdrawal  
after entry  
for trial

176. Any defendant may have judgment for the costs of the action if it is wholly discontinued against him or for the costs occasioned by the matter withdrawn, if the action be not wholly discontinued, in case such respective costs are not paid within two days after taxation. [E. 292.] No. 6 of 1893, s. 162.

Judgment  
for costs

177. If any subsequent action shall be brought before payment of the costs of a discontinued action for the same or substantially the same cause of action the Court or judge may if deemed proper order a stay of such subsequent action until such costs shall have been paid. [E. 293.] No. 6 of 1893, s. 163.

Stay of  
subsequent  
action pending  
payment

## ORDER XIX.

### AMENDMENT.

178. The Court or a judge may at any stage of the proceedings allow either party to alter or amend his statement of claim or pleadings in such manner and upon such terms as may be just and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties. [E. 309.] No. 6 of 1893, s. 164.

Amendment  
of pleadings

179. The plaintiff may without any leave amend his statement of claim once at any time before the expiration of the time limited for reply and before replying. [E. 310.] No. 6 of 1893, s. 165.

Amendment  
of claim  
without leave

Amendment of  
counterclaim  
without leave

180. A defendant who has set up any counterclaim may without any leave amend such counterclaim at any time before the expiration of the time allowed him for answering the reply. [E. 311.] No. 6 of 1893, s. 166.

Disallowance  
of improper  
amendment

181. Where any party has amended his pleading under either of the two preceding rules the opposite party may within eight days after the delivery to him of the amended pleading apply to the Court or a judge to disallow the amendment or any part thereof and the Court or judge may if satisfied that the justice of the case demands it disallow the same or allow it subject to such terms as to costs or otherwise as may be just. [E. 312.] No. 6 of 1893, s. 167.

Pleading to  
amendments

182. Where a party has amended his pleadings (unless otherwise ordered) the opposite party shall plead to the amended pleading or amend his pleading within the time he then has to plead or within eight days from the delivery of the amendment whichever last shall expire; and in case the opposite party has pleaded before the delivery of the amendment and does not plead again or amend within the time above mentioned he shall be deemed to rely on his original pleading in answer to such amendment. [E. 313.] No. 6 of 1893, s. 168.

Default of

Leave to  
amend  
application

183. In all cases not provided for by the preceding rules of this order application for leave to amend may be made by either party to the Court or a judge or to the judge at the trial of the action and such amendment may be allowed upon such terms as to costs or otherwise as may be just. [E. 314.] No. 6 of 1893, s. 169.

Terms

Failure to  
amend after  
order

184. If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order or if no time is thereby limited then within fourteen days from the date of the order such order to amend shall on the expiration of such limited time as aforesaid or of such fourteen days as the case may be become *ipso facto* void unless the time is extended by the Court or a judge. [E. 315.] No. 6 of 1893, s. 170.

Manner of  
amending

185. Any statement or pleading may be amended by written alterations in the copy which has been delivered and by additions on paper to be interleaved therewith if necessary unless the amendments require the insertion of more than 144 words in any one place or are so numerous or of such a nature that the making them in writing would render the document difficult or inconvenient to read in either of which cases the amendment must be made by delivering a printed or written copy of the document as amended. [E. 316.] No. 6 of 1893, s. 171.

Marking  
amended  
pleading

186. Whenever any statement or pleading is amended the same when amended shall be marked with the date of the



order if any under which the same is so amended and of the day on which such amendment is made in manner following, viz: "Amended                      day of                      (pursuant to order of                      , dated the                      day of                      )." [E. 317.] No. 6 of 1893, s. 172.

187. Whenever any statement or pleading is amended such amended document shall be delivered to the opposite party <sup>Delivery of amended pleading</sup> within the time allowed for amending the same. [E. 318.] No. 6 of 1893, s. 173.

188. Clerical mistakes in judgments or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Court or judge on motion or summons without an appeal. <sup>Mistakes in judgments or orders</sup> [E. 319.] No. 6 of 1893, s. 174.

189. The Court or a judge may at any time and on such terms as to costs or otherwise as the Court or judge may think just amend any defect or error in any proceedings and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on the proceedings. <sup>General power to amend</sup> [E. 320.] No. 6 of 1893, s. 175.

190. The costs of and occasioned by any amendment shall be borne by the party making the same unless the Court or judge shall otherwise order. <sup>Costs of amendment</sup> [E. 321.] No. 6 of 1893, s. 176.

## ORDER XX.

### DISCOVERY OF DOCUMENTS, ETC.

191. The plaintiff shall at the expiration of the time for delivery of defence and the defendant shall after delivery of defence be entitled on application to the judge *ex parte* to an order directing any other party to any cause or matter to make discovery by affidavit of the documents which are or have been in his possession or power relating to any matter in question therein. <sup>*Ex parte* order for discovery</sup> No. 6 of 1893, s. 177.

192. The affidavit to be made by a party against whom such order as is mentioned in the last preceding rule has been made shall specify which if any of the documents therein mentioned he objects to produce. <sup>Affidavit of discovery</sup> <sup>Objections to production</sup> [E. 355.] No. 6 of 1893, s. 178.

193. It shall be lawful for the Court or judge at any time during the pendency of any cause or matter to order the production by any party thereto upon oath of such of the documents in his possession or power relating to any matter in question in such cause or matter as the Court or judge shall think right; and the Court may deal with such documents when produced in such manner as shall appear just. <sup>Production of documents</sup> [E. 356.] No. 6 of 1893, s. 179.

Inspection of  
documents  
referred to in  
pleadings or  
affidavits

194. Every party to a cause or matter shall be entitled at any time by notice in writing to give notice to any other party in whose pleadings or affidavits reference is made to any document to produce such document for the inspection of the party giving such notice or of his advocate and to permit him or them to take copies thereof; and any party not complying with such notice shall not afterwards be at liberty to put any such document in evidence in his behalf in such cause or matter unless he shall satisfy the Court or judge that such document relates only to his own title he being a defendant to the cause or matter or that he had some other cause or excuse which the Court or judge shall deem sufficient for not complying with such notice; in which case the Court or judge may allow the same to be put in evidence on such terms as to costs and otherwise as the Court or judge shall think fit. [E. 357.] No. 6 of 1893, s. 180.

Notice of time  
and place of  
inspection

195. The party to whom such notice is given shall within two days from the receipt of such notice if all the documents therein referred to have been set forth by him in such affidavit as is mentioned in rule 192 hereof or if any of the documents referred to in such notice have not been set forth by him in any such affidavit then within four days from the receipt of such notice deliver to the party giving the same a notice stating a time within three days from the delivery thereof at which the documents or such of them as he does not object to produce may be inspected at the office of his advocate or in case of banker's books or other books of account or books in constant use for the purpose of any trade or business at their usual place of custody and stating which if any of the documents he objects to produce and on what ground. [E. 359.] No. 6 of 1893, s. 181.

Objections to  
production

Order for  
inspection

196. If the party served with notice under the last preceding rule omits to give such notice of a time for inspection or objects to give inspection or offers inspection elsewhere than at the office of his advocate the judge may on application of the party desiring it make an order for inspection at such place and in such manner as he may think fit; and except in the case of documents referred to in the pleadings or affidavits of the party against whom the application is made or disclosed in his affidavit of documents, such application shall be founded upon an affidavit showing of what documents inspection is sought, that the party applying is entitled to inspect them and that they are in the possession or power of the other party. [E. 360.] No. 6 of 1893, s. 182.

Discovery or  
inspection  
may be  
reserved

197. If the party from whom discovery of any kind or inspection is sought objects to the same or any part thereof the judge may if satisfied that the right to the discovery or inspection sought depends on the determination of any issue or question in dispute in the cause or matter or that for any other reason it is desirable that any issue or question in dispute in the cause or matter should be determined before

deciding upon the right to the discovery or inspection, order that such issue or question be determined first and reserve the question as to the discovery or inspection. [E. 362.] No. 6 of 1893, s. 183.

198. If any person fails to comply with any order for discovery or inspection of documents he shall be liable to attachment for contempt of court. He shall also if a plaintiff be liable to have his action dismissed for want of prosecution and if a defendant to have his defence if any struck out and to be placed in the same position as if he had not defended and the party interrogating may apply to that effect and an order may be made accordingly. [E. 363.] No. 6 of 1893, s. 184.

Noncompliance with order for discovery or inspection  
Penalty

199. Service of an order for discovery or inspection made against any party on his advocate shall be sufficient service to found an application for an attachment for disobedience to the order; but the party against whom the application for an attachment is made may show in answer to the application that he has had no notice or knowledge of the order. [E. 364.] No. 6 of 1893, s. 185.

Service of order

200. An advocate upon whom an order against any party for discovery or inspection is served under the last preceding rule who neglects without reasonable excuse to give notice thereof to his client shall be liable to attachment. [E. 365.] No. 6 of 1893, s. 186.

Advocate neglecting to inform client of order

## ORDER XXI.

### EXAMINATION FOR DISCOVERY.

201. Any party to an action whether plaintiff or defendant or in the case of a body corporate any one who is or has been one of the officers of such body corporate may without any special order for the purpose be orally examined before the trial touching the matters in question in any action by any party adverse in point of interest and may be compelled to attend and testify in the same manner upon the same terms and subject to the same rules of examination as any witness except as hereinafter provided. No. 6 of 1893, s. 187.

Examination of parties before trial

202. A person for whose immediate benefit an action is prosecuted or defended is to be regarded as a party for the purpose of examination. No. 6 of 1893, s. 188.

Person beneficially interested

203. The examination on the part of a plaintiff may take place at any time after the statement of defence of the party to be examined has been delivered or after the time for delivering the same has expired; and the examination on the part of a defendant may take place any time after such defendant has delivered his statement of defence; and the examination of a party to an issue at any time after the issue has been filed. No. 6 of 1893, s. 189.

When examination may take place

Examining  
officer

204. Whenever a party is entitled to examine another party he may procure an appointment therefor from the clerk or any deputy clerk or process issuer in the judicial district where the action was commenced for the examination as hereinafter provided of such party before such clerk, deputy clerk or process issuer at whose office such examination is to be held; and the party to be examined (upon being served with a copy of the appointment and a subpoena and upon payment of the proper fees) shall attend thereon and submit to examination.

Place of  
examination  
Appointment  
and subpoena  
Conduct  
money

(2) Such examination shall be held at the office of the clerk, deputy clerk or process issuer nearest to the place where the party to be examined resides. No. 6 of 1897, s. 1 (28.)

Appointment  
to be served  
on advocate

205. The party examining shall serve a copy of the appointment upon the advocate of the party to be examined if he has an advocate in the cause at least forty-eight hours before the examination. No. 6 of 1893, s. 191.

Examination  
before other  
person or  
without  
jurisdiction

206. Upon application to the Court or a judge an order may be made for the examination of any party liable to be examined as aforesaid before any other person or in any other place whether within or without the jurisdiction of the Court than those before mentioned and upon service of a copy of the appointment of a person before whom the examination is to take place and a copy of the order upon the party to be examined and upon payment of the proper fees he is to attend and submit to examination. A copy of the appointment shall be served upon the advocate of the party or his agent at least forty-eight hours before the examination. No. 6 of 1893, s. 192; No. 5 of 1894, s. 7.

Notice to  
produce books  
and papers

207. The party or person to be examined shall if so required by notice produce on the examination all books, papers and documents which he would be bound to produce at the trial under a subpoena *duces tecum*. No. 6 of 1893, s. 193.

Certified  
copies of  
documents

208. In the event of any witness on his examination, cross-examination or re-examination producing any book, document, letter, paper or writing and refusing for good cause to be stated in his deposition to part with the original thereof then a copy thereof or extract therefrom certified by the examiner to be a true and correct copy or extract shall be attached to the depositions and form part thereof. No. 6 of 1893, s. 193 (a).

Further  
examination  
on party's own  
behalf, etc.

209. Any party or officer so examined may be further examined on his own behalf or on behalf of the body corporate of which he is or has been an officer in relation to any matter respecting which he has been examined in chief; and when one of several plaintiffs or defendants has been examined any other plaintiff or defendant united in interest may be examined on his own behalf or on behalf of those united with him in interest to the same extent as the party examined. No. 6 of 1893, s. 194.

Explanatory

210. Such explanatory examination shall be proceeded with

immediately after the examination in chief and not at any <sup>examination</sup> future period except by leave of the Court or a judge and for <sup>Time for</sup> the purposes of this and the preceding rule when the officer of a body corporate has been so examined as aforesaid on behalf of the body corporate the body corporate shall be deemed to be fully represented by such officer. No. 6 of 1893, s. 195.

211. Any party or person examined orally under the preced- <sup>Conduct of</sup> ing rules of this order shall be subject to cross-examination <sup>examination,</sup> and re-examination; and such examination, cross-examination <sup>etc.</sup> and re-examination shall be conducted as nearly as may be in the mode in use on a trial. No. 6 of 1893, s. 196.

212. A party to the action who admits upon his examination <sup>Production of</sup> that he has in his custody or power any deed, paper, writing or <sup>documents</sup> document relating to the matters in question in the cause upon <sup>for inspection</sup> the order of the person before whom he is examined shall pro- <sup>of examiner</sup> duce the same for his inspection and for that purpose a reason- able time shall be allowed; but no party shall be obliged to produce any deed, paper, writing or document which is privi- leged or protected from production. No. 6 of 1893, s. 197.

213. Either party may appeal from the order of the <sup>Appeal from</sup> examiner and thereupon the examiner shall certify under his <sup>examiner's</sup> hand the question raised and the order made thereon. No. 6 <sup>order</sup> of 1893, s. 198.

214. Any party or person refusing or neglecting to attend <sup>Refusal to</sup> at the time and place appointed for his examination or refus- <sup>attend or</sup> ing to be sworn or to answer any lawful question put to him <sup>answer, etc.</sup> by the examiner or by any party entitled so to do or his counsel, advocate or agent shall be deemed guilty of a con- tempt of court and proceedings may be forthwith had by attachment. If a defendant he shall be liable to have his <sup>Penalty</sup> defence if any struck out and be placed in the same position as if he had not defended; and the party examining may apply to the Court or a judge to that effect and an order may be made accordingly. No. 6 of 1893, s. 199.

215. If the party or person under examination demurs or <sup>Objections</sup> objects to any question or questions put to him the question or <sup>by witness</sup> questions so put and the objection of the witness thereto shall be taken down by the examiner and transmitted by him to <sup>Decision as</sup> the office of the court where the pleadings are filed to be <sup>to validity</sup> there filed; and the validity of such objection shall be decided by the Court or a judge; and the costs of and occasioned by such objection shall be in the discretion of the Court or a judge. No. 6 of 1893, s. 200.

216. Subject to rules 218, 219 and 220 hereof the depositions <sup>Form and</sup> taken upon any such oral examination as aforesaid shall be <sup>completion of</sup> taken down in writing by the examiner not ordinarily by <sup>deposition</sup> question and answer but in the form of a narrative expressed in the first person; and when completed shall be read over to

the party examined and shall be signed by him in the presence of the parties or of such of them as may think fit to attend. No. 6 of 1893, s. 201.

Witness not signing deposition      217. In case the party or person examined refuses or is unable to sign the depositions then the examiner shall sign the same; and the examiner may upon every examination state any special matter to the Court if he thinks fit. No. 6 of 1893, s. 201 (a).

Report of special matter

Question and answer, objections, etc      218. It shall be in the discretion of the examiner to put down any particular question or answer if there appears to be any special reason for so doing and any question or questions objected to shall at the request of either party be noticed or referred to by the examiner in or upon the depositions; and he shall state his opinion thereon to the counsel, advocates, agents or parties and if requested by either party he shall on the face of the depositions refer to such statement. No. 6 of 1893, s. 201 (b).

Recording in deposition

Deposition taken in shorthand      219. In case of an examination before the trial or otherwise than at the trial of an action if the examining party desires to have such examination taken in shorthand he shall be entitled to have it so taken at the place of examination except where the Court or a judge sees fit to order otherwise. No. 6 of 1893, s. 202.

Form and completion of shorthand report      220. Where an examination in a cause or proceeding is taken by the examiner or any other authorised person in shorthand the examination may be taken down by question and answer; and in such cases it shall not be necessary for the depositions to be read over to or be signed by the person examined unless the judge so directs where the examination is taken before a judge or in other cases unless any of the parties so desires. No. 6 of 1893, s. 203.

Certified copy of depositions      221. A copy of the deposition so taken certified by the person taking the same as correct shall for all purposes have the same effect as the original depositions in ordinary cases. No. 6 of 1893, s. 203 (a).

Filing depositions      222. Wherever any such examination of any party or witness has been taken before a clerk of the Supreme Court or before any officer or other person authorised or appointed to take the same the depositions taken down by the examiner shall at the request of any party interested and on payment of his fees be returned to and kept in the office of the clerk of the court in which the proceedings are being carried on; and office copies of such depositions may be given out and the examinations and depositions certified under the hand of the examiner taking the same or a copy thereof certified under the hand of the clerk of the court shall without proof of the signature be received and read in evidence saving all just exceptions. No. 6 of 1893, s. 204; No. 5 of 1894, s. 8.

Certified copies evidence

223. Every person taking examinations may and if need be shall make a special report to the Court in which such proceedings are pending touching such examinations and the conduct or absence of any witness or other person thereon or relating thereto; and the Court shall institute such proceedings and make such order upon such report as justice may require and as may be instituted and made in any case of contempt of court. No. 6 of 1893, s. 205; No. 5 of 1894, s. 9.

Special report  
of examiner

224. Any party may at the trial of an action or issue or upon any application or motion use in evidence any part of the examination of the opposite parties:

Use of  
examination  
at trial

Provided always that in such case the judge may look at the whole of the examination and if he is of opinion that any other part is so connected with the part to be so used that the last mentioned part ought not to be used without such other part he may direct such other part to be put in evidence. No. 6 of 1893, s. 206.

225. The cost of every examination of parties or of officers of corporations before the trial or otherwise than at the trial of an action shall be costs in the cause but the Court or judge in adjusting the costs of the action shall at the instance of any party inquire or cause inquiry to be made into the propriety of having made any such examination; and if it is the opinion of the Court or judge or the clerk as the case may be that such examination has been had unreasonably, vexatiously or at unnecessary length the costs occasioned by the examination shall be borne in whole or in part by the party in default. The clerk may make such inquiry without any direction. No. 6 of 1893, s. 207.

Cost of  
examinations

## ORDER XXII.

### ADMISSIONS.

226. Any party to a cause or matter may give notice by his pleading or otherwise in writing that he admits the truth of the whole or any part of the case of any other party. [E. 371.] No. 6 of 1893, s. 208.

Notice of  
admission  
of facts

227. Either party may call upon the other party to admit any document saving all just exceptions; and in case of refusal or neglect to admit after such notice the costs of proving any such document shall be paid by the party so neglecting or refusing whatever the result of the cause or the matter may be unless at the trial or hearing the judge is satisfied that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice be given except where the omission to give the notice is in the opinion of the judge a saving of expense. [E. 372.] No. 6 of 1893, s. 209.

Notice to  
admit  
documents  
Costs:  
(1) admissions  
refused  
(2) notice not  
given

228. Any party may by notice in writing at any time not later than twelve days before the day fixed for trial call on any

Notice to  
admit facts

Costs where  
admission  
refused

other party to admit for the purposes of the cause, matter or issue only any specific fact or facts mentioned in such notice; and in case of refusal or neglect to admit the same within six days after service of such notice or within such further time as may be allowed by a judge the cost of proving such fact or facts shall be paid by the party so neglecting or refusing whatever the result of the cause, matter or issue may be unless at the trial or hearing the judge is satisfied that the refusal to admit was reasonable:

Effect of  
admission

Provided that any admission made in pursuance of such notice is to be deemed to be made only for the purposes of the particular cause, matter or issue and not as an admission to be used against the party on any other occasion or in favour of any person other than the party giving the notice:

Admissions

Amendment  
or withdrawal

Provided also that the judge may at any time allow any party to amend or withdraw any admission so made on such terms as may be just. [E. 374.] No. 6 of 1893, s. 210.

Judgment on  
admissions

229. Any party may at any stage of a cause or matter where admissions of fact have been made either on the pleadings or otherwise apply to a judge for such judgment or order as upon such admissions he may be entitled to without waiting for the determination of any other question between the parties and the judge may upon such application make such order or give such judgment as the judge may think just. [E. 376.] No. 6 of 1893, s. 211.

Evidence of  
admissions

230. An affidavit of the advocate or his clerk of the due signature of any admissions made in pursuance of any notice to admit documents or facts shall be sufficient evidence of such admissions if evidence thereof be required. [E. 377.] No. 6 of 1893, s. 212.

Notice to  
admit or  
produce

Costs

231. If a notice to admit or produce comprises documents which are not necessary the costs occasioned thereby shall be borne by the party giving such notice. [E. 379.] No. 6 of 1893, s. 213.

## ORDER XXIII.

### ISSUES, INQUIRIES AND ACCOUNTS.

Issues of fact,  
preparing and  
settling

232. Where in any cause or matter it appears to the Court or judge that the issues of fact in dispute are not sufficiently defined the parties may be directed to prepare issues and such issues shall if the parties differ be settled by the Court or judge. [E. 380.] No. 6 of 1893, s. 214.

Inquiries and  
accounts, when  
and how taken

233. The Court or a judge may at any stage of the proceedings in a cause or matter direct any necessary inquiries or accounts to be made or taken and may direct the same to be taken by the clerk or other competent person notwithstanding that it may appear that there is some special or further relief



sought for or some special issue to be tried as to which it may be proper that the cause or matter should proceed in the ordinary manner. [E. 381.] No. 21 of 1896, s. 5.

234. In cases where the statement of claim is for an account or involves the taking of an account if the defendant either fails to appear or does not after appearance satisfy the judge that there is some preliminary question to be tried the plaintiff may obtain an order directing the taking of proper accounts; and in cases in which the plaintiff in the first instance desires to have an account taken the statement of claim shall request the same. [E. 121.] No. 6 of 1893, s. 45. Actions for account

235. The judge may either by the judgment or order directing an account to be taken or by any subsequent order give special direction with regard to the mode in which the account is to be taken or vouched and in particular may direct that in taking the account the books of account in which the accounts in question have been kept shall be taken as *prima facie* evidence of the truth of the matters therein contained with liberty to the parties interested to take such objections thereto as they may be advised. [E. 382.] No. 6 of 1893, s. 215. Special directions as to mode of taking account

236. Where any account is directed to be taken the accounting party unless the judge shall otherwise direct shall make out his account and verify the same by affidavit. The items on each side shall be numbered consecutively and the account shall be referred to by the affidavit as an exhibit and be filed in Court. [E. 383.] No. 6 of 1893, s. 216. Account Verification

237. Upon taking of any account the Court or judge may direct that the vouchers shall be produced at the office of the advocate of the accounting party or at any other convenient place and that only such items as may be contested or surcharged shall be brought before the judge in chambers. No. 6 of 1897, s. 1 (29). Production of vouchers  
Contested items

238. Any party seeking to charge any accounting party beyond what he has by his account admitted to have received shall give notice thereof to the accounting party stating so far as he is able the amount sought to be charged and the particulars thereof in a short and succinct manner. [E. 384.] No. 6 of 1893, s. 217. Surcharge

239. Every judgment or order for a general account of the personal estate of a testator or intestate shall contain a direction for an inquiry as to what parts if any of such personal estate are outstanding or undisposed of unless the Court or judge shall otherwise direct. [E. 385.] No. 6 of 1893, s. 218. Inquiry as to outstanding estate

240. Where by any judgment or order whether made in Court or by the judge any accounts are directed to be taken or inquiries to be made each such direction shall be numbered so that as far as may be each distinct account and inquiry may be Numbering directions for account or inquiry

designated by a number with such variations as the circumstances of the case may require. [E. 386.] No. 6 of 1893, s. 219.

Just  
allowances

241. In taking any account directed by any judgment or order all just allowances shall be made without any direction for that purpose. No. 6 of 1893, s. 220.

Expediting  
proceedings  
in case of  
undue delay

242. If it shall appear to the judge that there is any undue delay in the prosecution of any accounts or inquiries or in any other proceedings under any judgment or order the judge may require the party having the conduct of the proceedings under any judgment or order or any other party to explain the delay and may thereupon make such order with regard to expediting the proceedings or the conduct thereof or the stay thereof and as to the costs of the proceedings as the circumstances of the case may require; and for the purposes aforesaid any party may be directed to summon the persons whose attendance is required and to conduct any proceedings and carry out any directions which may be given; and any costs of such party so directed shall be paid by such parties or out of such funds as the judge may direct. [E. 388.] No. 6 of 1893, s. 221.

#### *Inquiry and Reference as to Damages.*

Ascertain-  
ment of  
damages

243. In every action or proceeding in which it shall appear to the Court or judge that the amount of damages sought to be recovered is substantially a matter of calculation the Court or judge may either fix the amount or direct that the amount for which final judgment is to be entered shall be ascertained by an officer of the Court or other person; and the attendance of witnesses and the production of documents before such officer or other person may be compelled by subpoena; and such officer or other person may adjourn the inquiry from time to time and shall indorse upon the order for referring the amount of damages to him, the amount found by him and shall deliver the order with such indorsement to the clerk of the court and such and the like proceedings may thereupon be had as to taxation of costs, entering judgment and otherwise as in ordinary cases. [E. 481.] No. 6 of 1893, s. 240.

Where  
continuing  
cause of  
action

244. Where damages are to be assessed in respect of any continuing cause of action they shall be assessed down to the time of assessment. [E. 482.] No. 6 of 1893, s. 241.

#### SUMMARY INQUIRIES INTO FRAUDULENT TRANSFERS.

Originating  
summons

245. Where a judgment creditor or a person entitled to money under a judgment or order alleges that the debtor or person who is to pay has made a conveyance of his property whether real or personal which is void as being made to delay, hinder or defraud creditors or a creditor an originating summons may be issued by the judgment creditor calling upon the judgment debtor or person who is to pay or who has acquired any interest thereunder to show cause why the property embraced in

Inquiry into  
alleged  
fraudulent  
conveyances

such conveyance or a competent part thereof should not be sold to realise the amount to be levied under the execution. [R.S.O. 1877, c. 49, s. 10.] No. 6 of 1897, s. 1 (30.)

246. Where any judgment creditor in an action or a person entitled under a judgment or order as aforesaid alleges that the debtor or person who is to pay is entitled to or has an interest in any property which under the former practice could not be sold under legal process but could be rendered available in an action for equitable execution by sale for satisfaction of the debt, an originating summons may be issued by the creditor calling upon the debtor or person who is to pay and the trustee or other person having the legal estate in the property or the interest therein of the debtor or the person who is to pay to show cause why the property or a competent part of the said property should not be sold to realise the amount to be levied under the execution. [R.S.O. 1877, c. 49, s. 11.] No. 6 of 1897, s. 1 (30). For equitable execution

247. Upon any application under either of the two preceding rules such proceedings shall be had either in a summary way or by the trial of an issue or by inquiry before an officer of the court or otherwise as the Court or judge may deem necessary or convenient for the purpose of ascertaining the truth of the matters in question and whether the property or the debtor's or other person's interest therein is liable for the satisfaction of the execution. [R.S.O. 1877, c. 49, s. 12.] No. 6 of 1897, s. 1 (30). Issue or inquiry

248. Where in a summary way or upon the trial of an issue or as the result of any inquiries under the three preceding rules any property or the interest of any debtor or other person therein is found liable to be sold an order shall be made by the Court or judge declaring what property or what interest therein is liable to be sold and directing the sale thereof according to the usual practice. [R.S.O. 1877, c. 49, s. 14.] No. 6 of 1897, s. 1 (30); No. 12 of 1898, s. 37. Order for sale

249. Pending any such issue or inquiry an interim injunction order may be issued or a receiver appointed to prevent the transfer or other disposition of the property. No. 6 of 1897, s. 1 (30). Interim injunction or receiver

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## ORDER XXIV.

### SPECIAL CASE.

250. The parties to any cause or matter at any stage of the cause or matter or without any previous proceedings having been instituted may concur in stating the questions of law arising therein in the form of a special case for the opinion of the Court. Every such special case shall be divided into paragraphs numbered consecutively and shall concisely state Special case by consent

such facts and documents as may be necessary to enable the Court to decide the questions raised thereby. Upon the argument of such case the Court and the parties shall be at liberty to refer to the whole contents of such documents and the Court shall be at liberty to draw from the facts and documents stated in any special case any inference whether of fact or law which might have been drawn therefrom if proved at a trial. [E. 389.] No. 6 of 1893, s. 228.

Special case  
or question of  
law raised by  
order before  
trial

251. If it appear to the Court or judge that there is in any cause or matter a question of law which it would be convenient to have decided before any evidence is given or any question or issue of fact is tried or before any reference is made to a referee the Court or judge may make an order accordingly and may direct such question of law to be raised for the opinion of the Court either by special case or in any such other manner as the Court or judge may deem expedient and all such further proceedings as the decision of such question of law may render unnecessary may thereupon be stayed. [E. 390.] No. 6 of 1893, s. 229.

Special case  
where person  
under  
disability  
is party

252. No special case in any cause or matter to which a married woman (not being a party thereto in respect of her separate property or of any separate right of action by or against her), infant or person of unsound mind not so found by judicial decision is a party shall be set down for argument without leave of the Court or judge, the application for which must be supported by sufficient evidence that the statements contained in such special case so far as the same affect the interest of such married woman, infant or person of unsound mind are true. [E. 392.] No. 6 of 1893, s. 230.

Agreement  
for payment  
of money  
according to  
result of  
special case

253. The parties to a special case may if they think fit enter into an agreement in writing that on the judgment of the Court being given in the affirmative or negative of the questions of law raised by the special case a sum of money fixed by the parties or to be ascertained by the Court or in such manner as the Court may direct shall be paid by one of the parties to the other of them either with or without costs of the cause or matter; and the judgment of the Court may be entered for the sum so agreed or ascertained with or without costs as the case may be and execution may issue upon such judgment in the ordinary way unless otherwise agreed or unless stayed on appeal. [E. 394.] No. 6 of 1893, s. 231.

## ORDER XXV.

### TRIAL.

Defendant not  
appearing

254. If when a trial is called on the plaintiff appears and the defendant does not appear the plaintiff may prove his claim so far as the burden of proof lies upon him. [E. 455.] No. 6 of 1893, s. 232.

255. If when a trial is called on the defendant appears and the plaintiff does not appear the defendant if he has no counterclaim shall be entitled to judgment dismissing the action but if he has a counterclaim then he may prove such counterclaim so far as the burden of proof lies upon him. [E. 456.] No. 6 of 1893, s. 233. Plaintiff not appearing

256. Any verdict or judgment obtained where one party does not appear at the trial may be set aside by the Court or judge upon such terms as may seem fit upon an application within fifteen days after the trial. [E. 457.] No. 6 of 1893, s. 234. Judgment by default  
Setting aside

257. The judge may if he thinks it expedient for the interests of justice postpone or adjourn a trial for such time and to such place and upon such terms if any as he shall think fit; but no trial shall be postponed upon the ground of the absence of a material witness unless the affidavit upon which the application is made distinctly states that the deponent believes and is advised that the party on whose behalf the application is made has a just cause of action or defence upon the merits and that the application is not made solely for delay. [E. 458.] No. 6 of 1893, s. 235. Postponement or adjournment of trial

258. Where through accident or mistake or other cause any party omits or fails to prove some fact material to his case the judge may proceed with the trial subject to such fact being afterwards proved at such time and subject to such terms and conditions as to costs and otherwise as the judge shall direct and if the case is being tried by a jury the judge may direct the jury to find a verdict as if such fact had been proved and the verdict shall take effect on such fact being afterwards proved as directed; and if not so proved judgment shall be entered for the opposite party unless the Court or judge otherwise directs. This rule shall not apply to actions for libel or slander. No. 6 of 1893, s. 236. Accidental omission to prove material fact

259. Upon a trial with a jury the addresses to the jury shall be regulated as follows: the party who begins or his counsel shall be allowed at the close of his case if his opponent does not announce any intention to adduce evidence to address the jury a second time for the purpose of summing up the evidence and the opposite party or his counsel shall be allowed to open his case and also to sum up the evidence if any and the right to reply shall be the same as in England. [E. 460.] No. 6 of 1893, s. 237. Speeches to jury

260. The judge may in all cases disallow any questions put in cross-examination of any party or other witness which may appear to him to be vexatious and not relevant to any matter proper to be inquired into in the cause or matter. [E. 462.] No. 6 of 1893, s. 238. Cross examination  
Vexatious or irrelevant questions

261. The judge shall at or after trial direct judgment to be entered as he shall think right and no motion for judgment

shall be necessary in order to obtain such judgment. [E. 463.]  
No. 6 of 1897, s. 1 (32).

## ORDER XXVI.

### EVIDENCE, ETC.

#### I.—*Evidence Generally.*

Evidence may  
be taken by  
examiner

262 In any action the judge may direct the evidence either wholly or in part to be taken by any clerk of the court or by any other competent person ; which clerk or other person shall be sworn to take the same truly and to reduce it to writing and on the return of the evidence the judge may give judgment upon the evidence taken by the clerk or other person as aforesaid or may order a new trial when justice seems to require the same. No. 6 of 1893, s. 157 ; No. 5 of 1894, s. 6.

Judgment  
thereon or  
new trial

Witnesses to  
be examined  
*viva voce*  
unless  
otherwise  
agreed or  
ordered

263. In the absence of any agreement in writing between the parties or their advocates and subject to the provisions of this Ordinance the witnesses at the trial of any action or at any assessment of damages shall be examined *viva voce* and in open court but the Court or judge may at any time for sufficient reason order that any particular fact or facts may be proved by affidavits or that the affidavit of any witness may be read at the hearing or trial on such conditions as the Court or judge may think reasonable or that any witness whose attendance in court ought for some sufficient cause to be dispensed with be examined by interrogatories or otherwise before a commissioner or examiner :

Provided that where it appears to the Court or judge that the other party *bona fide* desires the production of a witness for cross-examination and that such witness can be produced an order shall not be made authorising the evidence of such witness to be given by affidavit. [E. 483.] No. 6 of 1893, s. 242.

Reading  
evidence  
taken in other  
causes

264. An order to read evidence taken in another cause or matter shall not be necessary but such evidence may saving all just exceptions be read by leave of the Court or judge. [E. 485.] No. 6 of 1893, s. 242.

Office copies  
admissible in  
evidence

265. Copies of all writs, records, pleadings and documents filed in court when certified by the clerk shall be admissible in evidence in all causes and matters and between all persons or parties to the same extent as the original would be admissible. [E. 486.] No. 6 of 1893, s. 243.

Impounded  
documents

266. Impounded documents while in the custody of the court are not to be parted with ; and are not to be inspected except on a written order signed by the judge on whose order they were impounded ; or in case of documents impounded on the order of the Court *en banc* by an order of that court such documents shall not be delivered out of the custody of the court except on an order made on motion in open court. No. 6 of 1893, s. 244.

## II.—*Examination of Witnesses.*

267. The Court or judge may in any cause or matter when it shall appear necessary for the purposes of justice make any order for the examination upon oath *viva voce* or by interrogatories in writing before the Court or judge or any officer of the court or any other person and at any place of any witness or person and may empower any party to any such cause or matter to give such deposition in evidence therein on such terms if any as the Court or judge may direct. [E. 487.] No. 6 of 1893, s. 245.

Order for  
examination  
of witness

268. The Court or judge may in any cause or matter at any stage of the proceedings order the attendance of any person for the purpose of producing any writings or other documents named in the order which the Court or judge may think fit to be produced :

Order for  
production  
of documents

Provided that no person shall be compelled to produce under any such order any writing or other document which he could not be compelled to produce at the hearing or trial. [E. 489.] No. 6 of 1893, s. 246.

269. Any person wilfully disobeying any order requiring his attendance for the purpose of being examined or of producing any document shall be deemed guilty of contempt of court and may be dealt with accordingly. [E. 490.] No. 6 of 1893, s. 247.

Disobedience  
to order

270. Any person required to attend for the purpose of being examined or of producing any document shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in court. [E. 491.] No. 6 of 1893, s. 249.

Conduct  
money

271. Where any witness or person is ordered to be examined before any officer of the court or before any person appointed for the purpose the person taking the examination shall be furnished by the party on whose application the order was made with a copy of the proceedings in the cause or with a copy of the documents necessary to inform the person taking the examination of the questions at issue between the parties. [E. 492.] No. 6 of 1893, s. 250.

Copy of  
proceedings to  
be furnished  
examiner

272. The examination shall take place in the presence of the parties, their counsel, advocate or agent and the witnesses shall be subject to cross-examination and re-examination. [E. 493.] No. 6 of 1893, s. 251.

Conduct of  
examination

273. The depositions taken before an officer of the court or before any other person appointed to take the examination shall be taken down in writing by or in the presence of the examiner not ordinarily by question and answer but so as to represent as nearly as may be the statement of the witness and when completed shall be read over to the witness and signed by him in

Depositions,  
mode of taking

Reading and  
signatures

the presence of the parties or such of them as may think fit to attend. If the witness shall refuse to sign the depositions the examiner shall sign the same. The examiner may put down any particular question or answer if there should appear any special reason for doing so and may put any question to the witness as to the meaning of any answer or as to any matter arising in the course of the examination. Any questions which may be objected to shall be taken down by the examiner in the depositions and he shall state his opinion thereon to the advocates or parties and shall refer to such statement in the depositions but he shall not have the power to decide upon the materiality or relevancy of any question. [E. 494.] No. 6 of 1893, s. 252.

Questions and answers

Objections

Disobedience of witness

274. If any person duly summoned by subpoena to attend for examination shall refuse to attend or if having attended he shall refuse to be sworn or to answer any lawful question a certificate of such refusal signed by the examiner shall be filed in court and thereupon the party requiring the attendance of the witness may apply to the Court or judge *ex parte* or on notice for an order directing the witness to attend or to be sworn or to answer any question as the case may be. [E. 495.] No. 6 of 1893, s. 253.

Objections by witness

275. If any witness shall object to any question which may be put to him before an examiner the question so put and the objection of the witness thereto shall be taken down by the examiner and transmitted by him to the court to be there filed and the validity of the objection shall be decided by the Court or judge. [E. 496.] No. 6 of 1893, s. 255.

Witness disobeying subpoena

276. If it shall be made to appear to the judge that a witness has been duly served with a subpoena and his fees for travel and attendance paid or tendered to him and that such witness refuses or neglects to attend to give evidence as required by his subpoena and that his evidence is necessary and material it shall be lawful for the judge in addition to any powers which he may possess for the punishment of such witness to issue a warrant under his hand and seal directed to any sheriff or other officer or officers for the immediate arrest of such witness to be brought before the Court or person authorised to hear the evidence for the purpose of giving evidence in the cause. No. 6 of 1893, s. 254.

Warrant for arrest

Costs against disobedient witness

277. In any case under the three last preceding rules the Court or judge shall have power to order the witness to pay any costs occasioned by his refusal or objection. [E. 497.] No. 6 of 1893, s. 256.

Return of depositions

278. When the examination of any witness before any examiner shall have been concluded the original depositions authenticated by the signature of the examiner shall be returned by him to the clerk of the court to whom the same is returnable and by him shall be filed. [E. 498.] No. 6 of 1893, s. 257.



279. The person taking the examination of a witness under the provisions of this order may and if need be shall make a special report to the Court touching such examination and the conduct or absence of any witness or other person thereon and the Court or judge may direct such proceedings and make such order as upon the report they or he may think just. [E. 499.] No. 6 of 1893, s. 258.

Special report  
by examiner

280. Except where it is otherwise provided or may be directed by the Court or judge no deposition shall be given in evidence at the hearing or trial of the cause or matter without the consent of the party against whom the same may be offered unless the Court or judge is satisfied that the deponent is dead or beyond the jurisdiction of the Court or unable from sickness or other infirmity to attend the hearing or trial in any of which cases the depositions certified under the hand of the person taking the examination shall be admissible in evidence saving all just exceptions without proof of the signature to such certificate. [E. 500.] No. 6 of 1893, s. 259.

Depositions,  
use of in  
evidence

281. Any officer of the court or other person directed to take the examination of any witness or person may administer oaths. [E. 501.] No. 6 of 1893, s. 260.

Oaths

282. Any party in any cause or matter may by subpoena *ad testificandum* or *duces tecum* require the attendance of any witness before an officer of the court or other person appointed to take the examination for the purpose of using his evidence upon any proceeding in the cause or matter in the like manner as such witness would be bound to attend and be examined at the hearing or trial; and any party or witness having made an affidavit to be used or which shall be used on any proceeding in the cause or matter shall be bound on being served with such subpoena to attend before such officer or person for cross-examination. [E. 502.] No. 6 of 1893, s. 261.

Examination  
for use in  
proceedings  
in cause

Cross  
examination  
on affidavit

283. Evidence taken subsequently to the hearing or trial of any cause or matter shall be taken as nearly as may be in the same manner as evidence taken at or with a view to a trial. [E. 503.] No. 6 of 1893, s. 262.

Evidence  
taken after  
trial

284. The practice with reference to the examination, cross-examination and re-examination of witnesses at a trial shall extend and be applicable to evidence taken in any cause or matter at any stage. [E. 504.] No. 6 of 1893, s. 263.

Practice on  
taking  
evidence

285. The practice of the court with respect to evidence at a trial when applied to evidence to be taken before an officer of the court or other person in any cause or matter after the hearing or trial shall be subject to any special directions which may be given in any case. [E. 505.] No. 6 of 1893, s. 264.

Special  
directions as  
to taking  
evidence

286. No affidavit or deposition filed or made before issue joined in any cause or matter shall without special leave of the

Notice to use  
affidavit or

depositions  
at trial

Court or judge be received at the hearing or trial thereof unless within one month after the cause is at issue or within such longer time as may be allowed by special leave of the Court or a judge notice in writing shall have been given by the party intending to use the same to the opposite party of his intention in that behalf. [E. 506.] No. 6 of 1893, s. 265.

Evidence at  
trial,  
subsequent  
use of

287. All evidence taken at the hearing or trial of any cause or matter may be used in any subsequent proceedings in the cause or matter. [E. 507.] No. 6 of 1893, s. 266.

### III.—*Subpœna.*

Subpœna for  
witness in  
chambers

288. When a subpœna is required for the attendance of a witness for the purpose of proceedings in chambers such subpœna shall issue from the clerk's office upon a note from the judge. [E. 510.] No. 6 of 1893, s. 267.

Service of  
subpœna

289. The service of a subpœna shall be effected by delivering a copy of the writ and of the indorsement thereon and at the same time producing the original writ. [E. 514.] No. 6 of 1893, s. 268.

### IV.—*Perpetuating Testimony.*

Action to  
perpetuate  
testimony

290. Any person who shall under the circumstances alleged by him to exist become entitled upon the happening of any future event to any office or to any estate or interest in any property real or personal the right or claim to which cannot by him be brought to trial before the happening of such event may commence an action to perpetuate any testimony which may be material for establishing such right or claim. [E. 517.] No. 6 of 1893, s. 269.

Witnesses

291. Witnesses shall not be examined to perpetuate testimony unless an action has been commenced for the purpose. [E. 519.] No. 6 of 1893, s. 270.

Trial

292. No action to perpetuate the testimony of witnesses shall be set down for trial. [E. 520.] No. 6 of 1893, s. 271.

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## ORDER XXVII.

### AFFIDAVITS AND DEPOSITIONS.

Evidence on  
motions, etc.

Cross  
examination

293. Upon any motion, petition or summons evidence may be given by affidavit; but the Court or judge may on the application of either party order the attendance for cross-examination of the persons making any such affidavit and may make such interim order or otherwise as appears necessary to meet the justice of the case. [E. 512.] No. 6 of 1893, s. 273.

294. Every affidavit shall be intituled in the cause or matter <sup>Intituling affidavits</sup> in which it is sworn ; but in every case in which there is more than one plaintiff or defendant it shall be sufficient to state the full name of the first plaintiff or defendant respectively and that there are other plaintiffs or defendants as the case may be ; and the costs occasioned by any unnecessary prolixity in any such title shall be disallowed. [E. 522.] No. 6 of 1893, s. 274.

295. Affidavits shall be confined to such facts as the witness <sup>Affidavits confined to facts</sup> is able of his own knowledge to prove except on interlocutory motions on which statements as to his belief with the grounds <sup>Statements of belief</sup> thereof may be admitted. The costs of every affidavit which shall unnecessarily set forth matters of hearsay or argumentative matter or copies of or extracts from documents shall be paid by the party filing the same. [E. 523.] No. 6 of 1893, s. 275.

296. Affidavits sworn in the North-West Territories shall be <sup>Officers for oaths</sup> sworn before a judge, clerk of the court or deputy clerk, notary public, justice of the peace or commissioner empowered to administer oaths. [E. 524.] No. 6 of 1893, s. 276.

297. Every person administering oaths shall express the time <sup>Jurat: time and place of oath</sup> when and the place where he shall take any affidavit or recognition ; otherwise the same shall not be held authentic nor be admitted to be filed without the leave of the Court or judge. [E. 525.] No. 6 of 1893, s. 277.

298. All examinations, affidavits, declarations, affirmations <sup>Officers for oaths out of Territories</sup> and attestations in causes or matters depending in the Supreme Court may be sworn and taken out of the North-West Territories in any part of the Dominion of Canada, or in Great Britain or Ireland, or the Channel Islands, or in any colony, island, or plantation, or place under the dominion of Her Majesty in foreign parts before any judge, court, notary public or person lawfully authorised to administer oaths in such country, colony, island, plantation or place respectively or before any of Her Majesty's consuls or vice consuls in any foreign part out of Her Majesty's dominions or before a judge of a court of record or a notary public under his hand and seal or before a commissioner appointed for the purpose of taking affidavits outside of the North-West Territories to be used within said Territories or a commissioner duly appointed by the judge for such purpose and the judges and other officers of the Supreme Court shall take judicial notice of the seal or signature as the case may be of any such court, judge, notary public, person, consul or vice consul, attached, appended or subscribed to any such examinations, affidavits, affirmations, attestations and declarations. [E. 526.] No. 6 of 1893, s. 278.

299. Every affidavit shall be drawn up in the first person <sup>Form of affidavits</sup> and shall be divided into paragraphs and every paragraph shall be numbered consecutively and as nearly as may be shall be confined to a distinct portion of the subject. No costs shall be

allowed for any affidavit or part of an affidavit substantially departing from this rule. [E. 527.] No. 6 of 1893, s. 279.

Description  
of deponent  
Signature

300. Every affidavit shall state the description and true place of abode of the deponent and shall be signed by him. [E. 528.] No. 6 of 1893, s. 280.

Affidavits by  
several  
deponents

301. In every affidavit made by two or more deponents the names of the several persons making the affidavit shall be inserted in the jurat except that if the affidavit of all the deponents is taken at one time by the same officer it shall be sufficient to state that it was sworn by both or all of the "above-named" deponents. [E. 529.] No. 6 of 1893, s. 281.

Affidavits, etc.  
to be filed

302. Every affidavit used in a cause, matter or proceeding shall be filed. [E. 530.] No. 6 of 1893, s. 282; No. 12 of 1898, s. 12.

Scandalous  
matter

303. The Court or judge may order to be struck out from any affidavit any matter which is scandalous and may order the costs of any application to strike out such matter to be paid by the offending party. [E. 531.] No. 6 of 1893, s. 283.

Alterations in  
affidavits

304. No affidavit having in the jurat or body thereof any interlineation, alteration or erasure shall without leave of the Court or judge be read or made use of in any matter depending in court unless the interlineation or alteration (other than by erasure) is authenticated by the initials of the officer taking the affidavit nor in the case of an erasure unless the words or figures appearing at the time of taking the affidavit to be written on the erasure are written and signed or initialled in the margin of the affidavit by the officer taking it. [E. 532.] No. 6 of 1893, s. 284.

Affidavits by  
illiterate or  
blind person

305. Where an affidavit is sworn by any person who appears to the officer taking the affidavit to be illiterate or blind the officer shall certify in the jurat that the affidavit was read in his presence to the deponent, that the deponent seemed perfectly to understand it and that the deponent made his signature or mark in the presence of the officer. No such affidavit shall be used in evidence in the absence of this certificate unless the Court or judge is otherwise satisfied that the affidavit was read over to and appeared to be perfectly understood by the deponent. [E. 533.] No. 6 of 1893, s. 285.

Use of  
defective  
affidavits

306. The Court or judge may receive any affidavit sworn for the purpose of being used in any cause or matter notwithstanding any defect by misdescription of parties or otherwise in the title or jurat or any other irregularity in the form thereof and may direct a memorandum to be made on the document that it has been so received. [E. 534.] No. 6 of 1893, s. 286.

Office copies

307. A copy of an affidavit may in all cases be used the original affidavit having been previously filed and the copy duly

authenticated with the certificate of the clerk with the seal of the court. [E. 535.] No. 6 of 1893, s. 287.

308. No affidavit shall be sufficient if sworn before the advocate acting for the party on whose behalf the affidavit is to be used or before any agent of such advocate or before the party himself. [E. 536.] No. 6 of 1893, s. 288.

309. Any affidavit which would be insufficient if sworn before the advocate himself shall be insufficient if sworn before his clerk or partner. [E. 537.] No. 6 of 1893, s. 289.

310. Where a special time is limited for filing affidavits no affidavit filed after that time shall be used unless by leave of the Court or judge. On motions founded on affidavits either party may by leave of the Court or judge make affidavits in answer to the affidavits of the opposite party as to new matter arising out of such affidavits. [E. 538.] No. 6 of 1893, s. 290.

311. Except by leave of the Court or judge no order made *ex parte* in court founded on any affidavit shall be of any force unless the affidavit on which the application was made was actually made before the order was applied for and produced or filed at the time of making the application. [E. 539.] No. 6 of 1893, s. 291; No. 12 of 1898, s. 13.

312. All affidavits which have been previously made and read in court upon any proceedings in a cause or matter may be used before a judge in chambers. [E. 541.] No. 6 of 1893, s. 293.

313. Affidavits of service upon any party must state when, where and how and by whom such service was effected. [E. 1020.] No. 6 of 1893, s. 294.

314. Every alteration in an account verified by affidavit shall be marked with the initials of the commissioner or officer before whom the affidavit is sworn and such alteration shall not be made by erasure. [E. 542.] No. 6 of 1893, s. 295.

315. Accounts, extracts and other documents referred to by affidavit shall not be annexed to the affidavit or referred to in the affidavit as annexed but shall be referred to as exhibits. [E. 543.] No. 6 of 1893, s. 296.

316. Every certificate on an exhibit referred to in an affidavit signed by the commissioner or officer before whom the affidavit is sworn shall be marked with the short title of the cause or matter. [E. 544.] No. 6 of 1893, s. 297.

## ORDER XXVIII.

### MOTION FOR JUDGMENT.

317. Except where it is otherwise provided that the judgment may be obtained in any other manner the judgment of

the Court shall be obtained by motion for judgment. [E. 559.] No. 6 of 1893, s. 298.

Judgment on findings of jury

Setting aside

318. Where at or after a trial with a jury the judge has directed that any judgment be entered any party may apply to set aside such judgment and enter any other judgment on the ground that the judgment directed to be entered is wrong by reason that the finding of the jury upon the questions submitted to them has not been properly entered. [E. 561.] No. 6 of 1893, s. 299.

Setting aside judgment directed to be entered by judge

319. Where at or after a trial by a judge either with or without a jury the judge has directed that any judgment be entered any party may apply to set aside such judgment and enter any other judgment upon the ground that upon the finding as entered the judgment so directed is wrong. [E. 562.] No. 6 of 1893, s. 300.

Application to court *en banc*

320. An application under the two next preceding rules shall be to the Court *en banc*. [E. 563.] No. 6 of 1893, s. 301.

Setting down motion for judgment after issues tried

321. When issues have been ordered to be tried or issues or questions of fact to be determined in any manner the plaintiff may set down a motion for judgment as soon as such issues or questions have been determined. If he does not set down such a motion and give notice thereof to the other parties within ten days after his right so to do has arisen then after the expiration of such ten days any defendant may set down a motion for judgment and give notice thereof to the other parties. [E. 565.] No. 6 of 1893, s. 302.

After trial of some of issues ordered.

Motion for judgment

322. When issues have been ordered to be tried or issues or questions of fact to be determined in any manner and some only of such issues or questions of fact have been tried or determined any party who considers that the result of such trial or determination renders the trial or determination of the others of them unnecessary or renders it desirable that the trial or determination thereof should be postponed may apply to the Court or judge for leave to set down a motion for judgment without waiting for such trial or determination; and the Court or judge may if satisfied of the expediency thereof give such leave upon such terms if any as shall appear just and may give any directions which may appear desirable as to postponing the trial of the other issues of fact. [E. 566.] No. 6 of 1893, s. 303.

Motion to be set down within one year

323. No motion for judgment shall except by leave of the Court or judge be set down after the expiration of one year from the time when the party seeking to set down the same first became entitled so to do. [E. 567.] No. 6 of 1893, s. 304.

Motion for judgment or new trial

Inferences of fact, etc

324. Upon a motion for judgment or upon an application for a new trial the Court may draw all inferences of fact not inconsistent with the finding of the jury and if satisfied that it has before it all the materials necessary for finally determining the

questions in dispute or any of them or for awarding any relief sought give judgment accordingly or may if it shall be of opinion that it has not sufficient materials before it to enable it to give judgment direct the motion to stand over for further consideration and direct such issues or questions to be tried or determined and such accounts and inquiries to be taken and made as it may think fit. [E. 568.] No. 6 of 1893, s. 305.

325. When it is made to appear to the Court or judge on the hearing of any application which may be pending before the Court or judge that it will be conducive to the ends of justice to permit it, the Court or judge may direct any application to be turned into a motion for judgment or hearing of the cause or matter; and thereupon the Court or judge may make such order as to the time and manner of giving the evidence in the cause and matter and with respect to the further prosecution thereof as the circumstances of the case may require; and upon the hearing it shall be discretionary with the Court or judge to either pronounce a judgment or make such order as the Court or judge deems expedient. No. 6 of 1893, s. 306.

326. Where at any time after the writ of summons has been issued it is made to appear to the Court or judge on an *ex parte* application that it will be conducive to the ends of justice to permit a notice of motion for a judgment to be forthwith served the Court or judge may order the same accordingly and when such permission is granted the Court or judge is to give directions as to the service of the notice of motion and affidavits as may be expedient. Upon the hearing of such motion the Court or judge instead of either granting or refusing the application may give such directions for the examination of either parties or witnesses or for the making of further inquiries or with respect to the further prosecution of the suit as the circumstances of the case may require and upon such terms as to costs as the Court or judge think right. No. 6 of 1893, s. 307.

## ORDER XXIX.

### JUDGMENT AND ENTRY OF JUDGMENT.

327. Except where otherwise provided every order or decree and every other judgment that the judge may so direct shall be entered by the proper officer at length in a book to be kept for such purpose properly indexed and a copy of such entry certified by the proper officer under the seal of the court shall be received for all purposes as of the same force and effect as such original order, decree or judgment. No. 6 of 1897, s. 1 (34).

328. When any judgment is pronounced by the Court or judge the entry of judgment shall be dated as of the day on which such judgment is pronounced unless the Court or judge shall otherwise order and the judgment shall take effect from that date:

Provided that by special leave of the Court or judge a judgment may be antedated or postdated. [E. 571.] No. 6 of 1893, s. 308.

Date of entry  
in other cases

329. In all cases not within the last preceding rule the entry of judgment shall be dated as of the day on which the requisite documents are left with the proper officer for the purpose of such entry and the judgment shall take effect from that date. [E. 572.] No. 6 of 1893, s. 310; No. 5 of 1894, s. 10.

Time to be  
stated for  
doing any act  
ordered to  
be done

330. Every judgment or order made in any cause or matter requiring any person to do an act thereby ordered shall state the time or the time after service of the judgment or order within which the act is to be done and upon the copy of the judgment or order which shall be served upon the person required to obey the same there shall be indorsed a memorandum in the words or to the effect following namely :

Memorandum  
to be indorsed

"If you the within named *A.B.* neglect to obey this judgment (or order) by the time therein limited you will be liable to process of execution for the purpose of compelling you to obey the same judgment (or order)." [E. 573.] No. 6 of 1893, s. 311.

Entry of  
judgment on  
production of  
affidavit or  
document

331. Where it is provided that any judgment may be entered upon the filing of any affidavit or production of any document the clerk shall examine the affidavit or document produced and if the same be regular and contain all that is by law required he shall enter judgment accordingly. [E. 574.] No. 6 of 1893, s. 312.

Entry on  
production of  
order or  
certificate

332. When any judgment may be entered pursuant to any order or certificate or return to any writ the production of such order, certificate or return shall be sufficient authority to the officer to enter judgment accordingly. [E. 575.] No. 6 of 1893, s. 313.

Consent  
judgment  
Defendant  
represented

333. In any cause or matter where the defendant has appeared by advocate no order for entering judgment shall be made by consent unless the consent of the defendant is given by his advocate or agent. [E. 577.] No. 6 of 1893, s. 314.

Consent  
judgment  
Defendant  
in person

334. When the defendant has not appeared or has appeared in person no such order shall be made unless the defendant attends before a judge and gives his consent in person or unless his written consent is attested by an advocate acting on his behalf. [E. 578.] No. 6 of 1893, s. 315.

Satisfaction  
of judgment

335. Satisfaction of a judgment shall be signed by the plaintiff and his personal representatives or by an advocate specially authorised for that purpose in writing unless the judge on special circumstances set forth by affidavit dispense with such authorisation. No. 6 of 1893, s. 316.



## ORDER XXX.

## EXECUTION.

I.—*Execution Generally.*

336. Where any person is by order directed to pay any money or deliver up or transfer any property real or personal to another it shall not be necessary to make any demand thereof but the person so directed shall be bound to obey such order upon being duly served with a copy of the same without demand. [E. 579.] No. 6 of 1893, s. 317.

Judgment or order to be obeyed without demand

337. Where any person who has obtained any judgment or order upon condition does not perform or comply with such condition he shall be considered to have waived or abandoned such judgment or order so far as the same is beneficial to himself and any other person interested in the matter may on breach or nonperformance of the condition take either such proceedings as the judgment or order may in such case warrant or such proceedings as might have been taken if no such judgment or order had been made unless the Court or judge shall otherwise direct. [E. 580.] No. 6 of 1893, s. 318.

Conditional judgment

Breach or non-performance of condition

338. Every person to whom any sum of money or any costs shall be payable under a judgment or order so soon as the money or costs shall be payable shall be entitled to sue out one or more writ or writs of *fiery facias* to enforce payment thereof subject nevertheless as follows:

Execution to enforce payment of money

- (a) If the judgment or order is for payment within a period therein mentioned no such writ as aforesaid shall be issued until after the expiration of such period:
- (b) The Court or a judge may at or after the time of giving judgment or making an order stay execution until such time as they or he shall think fit. [E. 595.] No. 6 of 1893, s. 319; No. 5 of 1894, s. 11.

Where time allowed by judgment

Stay of execution

339. A judgment for the recovery or for the delivery or the possession of land may be enforced by writ of possession. [E. 583.] No. 6 of 1893, s. 320.

Recovery of land

340. A judgment for the recovery of any property other than land or money may be enforced by writ for delivery of the property. [E. 584.] No. 6 of 1893, s. 321.

Recovery of other property

341. A judgment requiring any person to do any act other than the payment of money or to abstain from doing anything may be enforced by writ of attachment or by committal. [E. 585.] No. 6 of 1893, s. 322.

Judgment to do or abstain from any act

342. Where a judgment or order is to the effect that any party is entitled to any relief subject to or upon the fulfilment of any condition or contingency the party so entitled may upon the fulfilment of the condition or contingency and demand

Judgment on condition

made upon the party against whom he is entitled to relief apply to the judge for leave to issue execution against such party; and the judge may if satisfied that the right to relief has arisen according to the terms of the judgment or order order that execution issue accordingly or may direct that any issue or question necessary for the determination of the rights of the parties be tried in any of the ways in which questions arising in any action may be tried. [E. 587.] No. 6 of 1893, s. 323.

Execution in case of judgment against firms

343. Where a judgment or order is against a firm execution may issue :

- (a) Against any property of the partnership ;
- (b) Against the property of any person who has appeared in his own name or who has admitted on the pleadings that he is or who has been adjudged to be a partner ;
- (c) Against the property of any person who has been individually served as a partner with a writ of summons and has failed to appear ;

Application for leave to issue against members of firm

(2) If the party who has obtained judgment or an order claims to be entitled to issue execution against any other person as being a member of the firm he may apply to a judge for leave so to do ; and a judge may give such leave if the liability be not disputed or if such liability be disputed may order that the liability of such person be tried and determined in any manner in which any issue or question in an action may be tried and determined ; but except as against any property of the partnership a judgment against a firm shall not render liable, release or otherwise affect any member thereof who was out of the jurisdiction when the writ was issued and who has not appeared to the writ unless he has been made a party to the action or has been served with the writ in the action. [E. 648h.] No. 6 of 1893, s. 324 ; No. 6 of 1897, s. 1 (35).

Judgment not to affect partner out of jurisdiction

Praecipe for execution

344. No writ of execution shall be issued without the party issuing it or his advocate filing a *praecipe* for that purpose ; the *praecipe* shall contain the title of the action, the reference to the record, the date of the judgment and of the order if any directing the execution to be issued, the names of the parties against whom or of the firm against whose goods the execution is to be issued and shall be signed by or on behalf of the advocate of the party issuing it or by the party issuing it if he does so in person. [E. 590.] No. 6 of 1893, s. 325.

Execution to any judicial district

345. When entitled thereto the party in whose favour such judgment has been entered may have one or more writs of execution directed to the sheriff of any one of the judicial districts for levying within the judicial district named in such writ the amount due on such judgment and legal interest thereon and costs subsequent to such judgment by distress and sale of the goods and chattels and personal property liable to seizure and sale for debt of the party against whom the said judgment has been so entered. No. 6 of 1893, s. 326.

346. Every writ of execution shall bear date the day of its issue and shall remain in force for two years from its date (and no longer if unexecuted unless renewed) but such writ may at any time before its expiration and so from time to time during the continuance of the renewed writ be renewed by the party issuing it for two years from the date of such renewal by being marked in the margin with a memorandum to the effect following: "Renewed for two years from the                      day of A.D. 1                     ," (signed by the clerk); and the production of a writ of execution marked as renewed in manner aforesaid shall be sufficient evidence of its having been so renewed; and a writ of execution so renewed shall have effect and be entitled to priority according to the time of the original delivery thereof. No. 6 of 1893, s. 327; No. 5 of 1894, s. 12.

Date of  
execution  
Duration  
Renewal

347. Every writ of execution for the recovery of money shall be indorsed with a direction to the sheriff or other officer or person to whom the writ is directed to levy the money really due and payable and sought to be recovered under the judgment or order stating the amount and also to levy legal interest thereon, if sought to be recovered, together with sheriff's fees, poundage and other expenses of execution. [E. 594.] No. 6 of 1893, s. 328.

Indorsement  
of direction  
to sheriff

348. As between the original parties to a judgment or order execution may issue at any time within six years from the recovery of the judgment or the date of the order. [E. 600.] No. 6 of 1893, s. 829.

Execution  
may issue  
within six  
years

349. In the following cases namely:

Leave to issue  
execution  
in certain  
cases

- (a) Where six years have elapsed since the judgment or date of the order or any change has taken place by death or otherwise in the parties entitled or liable to execution;
- (b) Where a husband is entitled or liable to execution upon a judgment or order for or against a wife;
- (c) Where a party is entitled to execution upon a judgment of assets *in futuro*;
- (d) Where a party is entitled to execution against any of the shareholders of a joint stock company upon a judgment recorded against such company or against a public officer or other person representing such company

the party alleging himself to be entitled to the execution may apply to the judge for leave to issue the execution accordingly; and such judge may if satisfied that the party so applying is entitled to issue execution make an order to that effect or may order that any issue or question necessary to determine the rights of the parties shall be tried in any of the ways in which any question in any action may be tried; and in either case such judge may impose such terms as to costs or otherwise as shall be just. [E. 601.] No. 6 of 1893, s. 330.

Enforcement  
of orders

350. Every order of the Court or judge in any cause or matter may be enforced against all persons bound thereby in the same manner as a judgment to the same effect. [E. 602.] No. 6 of 1893, s. 331.

Executions by  
or against a  
person not a  
party

351. Any person not being a party to a cause or matter who obtains any order or in whose favour any order is made shall be entitled to enforce obedience to such order by the same process as if he were a party to such cause or matter and any person not being a party to a cause or matter against whom obedience to any judgment or order may be enforced shall be liable to the same process for enforcing obedience to such judgment or order as if he were a party to such cause or matter. [E. 604.] No. 6 of 1893, s. 332.

Facts arisen  
too late to  
be pleaded

352. No proceeding by *audita querela* shall hereafter be used; but any party against whom a judgment has been given may apply to the judge for a stay of execution or other relief against such judgment upon the ground of facts which have arisen too late to be pleaded and the judge may give such relief and upon such terms as may be just. [E. 605.] No. 6 of 1893, s. 333; No. 6 of 1897, s. 1 (36).

Stay of  
executionCourt may  
order act to  
be done at  
expense of  
party refusing

353. If a mandamus granted in an action or otherwise or a mandatory order, injunction or judgment for the specific performance of any contract be not complied with the Court or judge besides or instead of proceedings against the disobedient party for contempt may direct that the act required to be done may be done so far as practicable by the party by whom the judgment or order has been obtained or some other person to be appointed by the Court or judge at the cost of the disobedient party and upon the act being done the expenses incurred may be ascertained in such manner as the Court or judge may direct and execution may issue for the amount so ascertained and costs. [E. 608.] No. 6 of 1893, s. 334.

Enforcement  
of judgment  
against  
corporation

354. Any judgment or order against a corporation wilfully disobeyed may by leave of the Court or judge be enforced by execution against the corporate property or by attachment of the persons of the directors or other officers. [E. 609.] No. 6 of 1893, s. 335.

Forms of  
execution

355. Every writ of execution shall follow form B in the schedule hereto adapted to the circumstances of each case and where form B is not appropriate the form shall be settled by the judge on *ex parte* application. No. 6 of 1893, s. 336; No. 6 of 1897, s. 1 (37).

Effect of  
execution in  
sheriff's hands  
as against  
goods of  
judgment  
debtor

356. Except as hereinafter mentioned every writ of execution against goods and chattels shall at and from the time of its delivery to the sheriff to be executed bind all the goods and chattels or any interest in all the goods and chattels of the judgment debtor within the judicial district of the said sheriff and shall take priority to any chattel mortgage, bill of sale or

assignment for the benefit of all or any of the creditors of the judgment debtor executed by him after the receipt by the sheriff of such writ of execution or which by virtue of the provisions of *The Bills of Sales Ordinance* has not taken effect prior to such receipt as against the creditor or creditors' interest under the execution but shall not take priority to a *bona fide* sale by the judgment debtor followed by an actual and continued change of possession of any of his goods and chattels without actual notice to the purchaser that such writ is in the hands of the sheriff of the judicial district wherein the said judgment debtor resides or carries on business. No. 7 of 1895, s. 2.

357. No sale of personal property seized under any writ of execution or process shall be made without such sale being advertised for at least ten days by public notice thereof describing the property to be sold copies of which notice shall be posted in the offices of the clerk and sheriff and at least five public places in the locality where the same is to be sold; but when the articles seized are of a perishable nature or are of such a character as not to allow of a delay of ten days as hereinbefore provided the same may be sold forthwith. No. 6 of 1893, s. 338.

Notice of  
sheriff's sale

Perishable  
articles

358. On any writ of execution against goods and chattels the sheriff charged with the execution of the same may seize and sell the interest or equity of redemption in any goods or chattels including leasehold interests in any lands of the party against whom the writ has issued and such sale shall convey whatever interest the mortgagor had in such goods and chattels at the time of the seizure. No. 6 of 1893, s. 339.

Equity of  
redemption  
in goods

Leasehold  
interests

359. The sheriff having the execution of any writ of execution against goods may seize any money or bank notes, any cheques, bills of exchange, promissory notes, bonds, mortgages, specialties or other securities for money belonging to the execution debtor and such sheriff may pay and assign them to the execution creditor at the sum actually due on and secured by them respectively if he will accept them as money collected or the sheriff may sue in his own name for the recovery of the sums secured thereby when the time of payment thereof has arrived and on payment execute and give valid discharges therefor but no such sheriff or other party shall be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, bond, specialty or other security unless the party who sued out the execution furnishes sufficient security to indemnify him from all costs and expenses to be incurred in the prosecution of the action or to which he may become liable in consequence thereof. No. 6 of 1893, s. 341.

Seizure of  
money, bank  
notes, cheques,  
etc.

360. The officer charged with the execution of any writ of execution against goods may seize thereunder any registered mortgage in favour of the execution debtor whether upon lands or chattels by delivering a notice in writing of such seizure to the registrar or clerk in the office where such mortgage is regis-

Seizure of  
mortgages  
belonging to  
debtor

tered ; but no such mortgage shall be affected or charged by any writ of execution until delivery of such notice.

Entry in  
register

(?) Upon receipt of such notice the clerk or registrar shall make an entry thereof in the register for which he shall be entitled to a fee of fifty cents :

Notice to  
mortgagor

Provided that unless and until personal service of a notice of seizure on the mortgagor is made he shall not be affected thereby and any payments made by him to the mortgagee before service of such notice shall be deemed good and valid. No. 6 of 1897, s. 1 (38).

Transfer of  
cheques, etc.,  
discharges  
sheriff

361. The transference by the sheriff to the execution creditor of any cheques or property named in Rule 359 shall discharge the sheriff to the extent of the amount due on and secured thereby. No. 6 of 1893, s. 342.

Payment by  
sheriff of  
moneys  
realised

362. Subject to the provisions of *The Creditors' Relief Ordinance* the sheriff shall pay over to the execution creditor or his advocate all moneys recovered or a sufficient sum to discharge the amount directed by the writ to be levied ; but the sheriff shall in all cases be entitled to first deduct his fees and expenses. No. 6 of 1893, s. 343.

Growing crops

363. No sale of growing crops whether grain or roots shall take place until after the same have been harvested and threshed or taken and removed from the ground when after all charges for harvesting, threshing, taking and removing have been paid and all exemptions been claimed and reserved the balance may be sold. No. 6 of 1893, s. 344.

Issue of  
execution  
lands

364. Any person who becomes entitled to issue a writ of execution against goods may at or after the time of issuing the same issue a writ of execution against the lands of the person liable in any judicial district provided that not less than \$50 remain due and unpaid on the judgment and deliver the same to the sheriff of the district named in the writ and charged with the execution of the writ of execution against goods at or after the time of delivery to him of the writ against goods and either before or after any return thereof ; but such officer shall not sell the said lands within less than one year from the day on which the writ against lands is delivered to him nor until three months' notice of such sale has been posted in a conspicuous place in the sheriff's and clerk's offices respectively and published two months in the newspaper nearest the lands to be sold.

Sale of lands  
Time for  
Advertise-  
ment of

(2) Where more than one newspaper is published in the same locality the notice of sale may be published in either one. No. 6 of 1893, s. 345.

Return  
*nulla bona*  
before sale  
of lands

Adjournment  
of sale

365. No sale shall be had under any execution against lands until after a return of *nulla bona* in whole or in part with respect to an execution against goods in the same suit or matter by the same officer. Where there are no bidders or no sufficient bid has been offered for the land to be sold as afore-

said the sheriff may adjourn such sale from time to time and a notice of the time and place of such adjourned sale shall be posted by him in a conspicuous place in the sheriff's and clerk's offices respectively and such notice shall be sufficient notice of such adjourned sale. No. 6 of 1893, s. 346.

366. In cases where the sheriff or other officer shall sell lands under execution for which a certificate of title has not been granted a transfer executed by him in the form prescribed for lands for which a certificate of title has been granted shall be sufficient to convey the execution debtor's interest therein to the purchaser. No. 6 of 1893, s. 347.

Form of transfer where certificate of title not granted

367. No sheriff shall make any return of *nulla bona* either in whole or in part to any writ against goods until the whole of the goods of the execution debtor in the district named in the writ liable to seizure which he can find have been exhausted. No. 6 of 1893, s. 348.

Return nulla bona

368. If the amount authorised to be made and levied under the writ against goods is made and levied thereunder the person issuing the writ against lands shall not be entitled to the expenses thereof or of any seizure or advertisement thereunder and the return to be made by the officer charged with the execution of the writ against lands to such writ shall be to the effect that the amount has been so made and levied as aforesaid. No. 6 of 1893, s. 349.

If money made on goods no costs execution lands  
Return in such case

369. Where under any writ of execution while in force personal property has been seized the sheriff may proceed to sell the same although the writ of execution has expired. No. 6 of 1893, s. 351.

Sale after expiry of writ

370. Where it is sought to enforce a judgment made for the recovery of any property other than land or money the Court or judge may upon the application of the plaintiff or person entitled thereto order that execution shall issue for the delivery of the property without giving the defendant or other party the option of retaining the property and paying the assessed value if any; or at the option of the plaintiff or person entitled thereto that the sheriff levy and make the assessed value with or without costs in either instance as may be just and for such purpose separate writs may be issued for the costs. [E. 647.] No. 6 of 1893, s. 352.

Execution for delivery of property or recovery of assessed value

371. A judgment or order that a party do recover possession of any land or that any person therein named do deliver up possession of any land to some other person may, without any order for such purpose, after fifteen days from the entry of the judgment or service of a copy of the order, be enforced by a writ of possession. [E. 644 and 645.] No. 6 of 1893, s. 353.

Writ of possession for recovery of land

372. Upon any judgment or order for the recovery or delivery of possession of any land and costs there may be either one

Execution for recovery of land and costs

writ or separate writs of execution for the recovery of possession and for the costs, at the election of the successful party. [E. 646.] No. 6 of 1893, s. 354.

## II.—*Poundage, Interest, &c.*

Levy of interest, poundage and expenses

373. Upon any execution against lands or goods the sheriff may in addition to the sum recovered by the judgment levy the poundage fees, expenses of the execution and interest upon the amount so recovered from the time of entering the judgment. No. 6 of 1893, s. 355.

Poundage: amount chargeable in certain cases

374. In case a part only is levied by the sheriff on or by force of any execution against goods and chattels the sheriff shall be entitled besides his fees and expenses of execution to poundage only upon the amount so made by him whatever be the sum indorsed upon the writ and in case the personal estate of the defendant is seized or advertised on or under an execution but not sold by reason of satisfaction having been otherwise obtained or from some other cause and no money is actually made by the sheriff on or by force of such execution the sheriff shall be entitled to the fees and expenses of execution and poundage only on the value of the property seized not exceeding the amount indorsed on the writ or such less sum as a judge of the court out of which the writ issued may deem reasonable under the circumstances of the case. Any party interested may apply to the judge to fix such sum either before or after taxation of the sheriff's bill of costs, charges and expenses or on review or appeal from such taxation. No. 6 of 1893, s. 356; No. 6 of 1897, s. 1 (40).

Sheriff's charges where satisfaction obtained under writ in other judicial district

375. In the case of writs of execution upon the same judgment to several judicial districts wherein the personal estate of the judgment debtor or debtors has been seized or advertised but not sold by reason of satisfaction having been obtained under or by virtue of a writ in some other judicial district and no money has been actually made on such execution the sheriff shall not be entitled to poundage but to mileage and fees only for the services actually rendered and performed by him and the Court or any judge thereof may allow him a reasonable charge for such services in case no special fees therefor are assigned in any tariff of costs. No. 6 of 1893, s. 357.

Sheriff's charges on withdrawal, stay, etc., of execution

376. Upon the settlement of an execution either in whole or in part by payment, levy or otherwise or upon the withdrawal, stay or setting aside of an execution the sheriff or officer claiming any fees, poundage, incidental expenses or remuneration which have not been taxed shall upon being required by any party interested within forty-eight hours deliver a copy of his bill in detail to the applicant. Such bill shall be taxed by the clerk of the court upon the applicant obtaining and serving an appointment for such taxation. No. 6 of 1893, s. 359; No. 6 of 1897, s. 1 (42).



377. No sheriff shall collect any fees, costs, poundage or incidental expenses after having been required to have the same taxed without taxation; and upon tender of the amount taxed no fees, costs, poundage or incidental expenses in respect of proceedings subsequently taken shall be allowed to any sheriff. No. 6 of 1893, s. 360. Sheriff's costs  
Taxation  
Tender

378. It shall be the duty of every taxing officer above referred to to grant an appointment for the taxation of and to tax the bills of costs presented to him for taxation as herein required upon payment or tender of his fees and to give when requested a certificate of such taxation and the amount thereof. No. 6 of 1893, s. 361; No. 6 of 1897, s. 1 (+3). Duty of  
taxing officer

379. Either party dissatisfied with the taxation may appeal to a judge for a revision of such taxation. No. 6 of 1893, s. 363. Revision of  
taxation

## ORDER XXXI.

### DISCOVERY IN AID OF EXECUTIONS.

380. When a judgment or order is for the recovery or payment of money the party entitled to enforce it may apply to a judge *ex parte* for an order that the debtor liable under such judgment or order or in the case of a corporation that any officer thereof be orally examined as to whether any and what debts are owing to the debtor and whether the debtor has any and what property or means of satisfying the judgment or order before the judge or whom he may appoint; and the judge may make an order for the attendance and examination of such debtor or other person before the clerk of the court or other person to be named in the order and for the production of any books or documents. Examination  
of judgment  
debtor or  
officer of  
corporation

(2) Where judgment has been obtained as aforesaid the Court or judge may *ex parte* on the application of the party entitled to enforce the judgment order any clerk or employee or former clerk or employee of the judgment debtor or any person or officer or officers of any corporation to whom the debtor has made a transfer of his property or effects since the date when the liability or debt which was the subject of the action in which judgment was obtained was incurred to attend before the clerk of the court or other person to be named in the order and to submit to be examined upon oath as to the estate and effects of the debtor and as to the property and means he had when the liability or debt aforesaid was incurred and as to the property or means he still has of discharging the judgment and as to the disposal he has made of any property since contracting the debt or incurring the liability and as to any and what debts are owing to him. Examination  
of clerk or  
employee,  
former clerk  
or employee  
or transferee  
of debtor's  
property

(3) The examination is to be for the purpose of discovery only and no order is to be made on the evidence given on such examination but any such examination may be real on any Use of  
examination

subsequent proceedings between the same parties or between the execution creditor and any transferee of the property or effects of the execution debtor or in any proceeding to obtain payment directly or indirectly whether by attachment of debts, equitable execution or otherwise. [E. 610.] No. 6 of 1893, s. 364; No. 6 of 1897, s. 1 (45).

Difficulty in  
enforcing  
judgment  
other than  
for money

381. In case of a judgment or order other than for the recovery or payment of money if any difficulty arises in or about the execution or enforcement thereof any party interested may apply to a judge and the judge may make such order thereon for the attendance and examination of any party or otherwise as may be just and may direct how such judgment or order may be enforced or executed. [E. 611.] No. 6 of 1893, s. 365; No. 6 of 1897, s. 1 (46).

Conduct  
money

382. Any person liable to be examined under any of the preceding rules of this order shall be entitled to the like conduct-money and payment for expenses and loss of time as upon attendance at a trial in court and may be compelled to attend and testify and to produce books and documents in the same manner and subject to the same rules of examination and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined as in the case of a witness on a trial. No. 6 of 1893, s. 366.

Production of  
documents  
Rules of  
examination  
Disobedience

Costs

283. The costs of any application under this order and of any proceedings arising from or incidental thereto shall be in the discretion of the judge. [E. 612.] No. 6 of 1893, s. 367.

## ORDER XXXII.

### ATTACHMENT OF DEBTS.

Issue of  
garnishee  
summons

384. Any plaintiff in an action for a debt or liquidated demand before or after judgment and any person who has obtained a judgment or order for the recovery or payment of money may issue a garnishee summons in the form or to the effect of form C in the schedule hereto. Such summons shall be issued by the clerk upon the plaintiff or judgment creditor, his advocate or agent filing an affidavit—

Affidavit  
therefor

- (a) Showing the nature and amount of the claim or judgment against the defendant or judgment debtor and swearing positively to the indebtedness of the defendant or judgment debtor to the plaintiff or judgment creditor;
- (b) Stating to the best of the deponent's information and belief that the proposed garnishee (naming him) is indebted to such defendant or judgment debtor. No. 6 of 1897, s. 1 (47).

385. Service of such summons on the garnishee shall bind any debt due or accruing due from the garnishee to the defendant or the judgment debtor. Service binds debts

(2) The garnishee summons may be served whether on the garnishee, defendant or judgment debtor in any way that a writ of summons may be served; and the provisions relating to service of a writ of summons shall apply to service of a garnishee summons. Manner of service

(3) A copy of the garnishee summons shall be served on the defendant or judgment debtor (or his advocate) within twenty days after service on the garnishee or such further time as a judge *ex parte* may order. No. 6 of 1897, s. 1 (47); No. 12 of 1898, s. 38. Service on defendant or judgment debtor

386. No order shall be made against the garnishee or for payment out of any money paid into court by the garnishee until at least ten days after the service of the said summons on the defendant or judgment debtor and on the garnishee nor when a garnishee summons issues prior to judgment until the plaintiff shall have recovered a judgment against the defendant. No order to go for payment to plaintiff until, etc.

(2) The defendant or judgment debtor or the garnishee or any person claiming to be interested in the moneys attached may apply to a judge in chambers to set aside the garnishee summons. Application to set aside garnishee

(3) No money paid into court under these proceedings shall be paid out unless on the written consent of the parties interested except by order of the court or judge which order may be made *ex parte* or on such notice as the judge may direct. No. 6 of 1897, s. 1 (47). Payment out of court

387. A garnishee paying money into court shall be entitled to deduct therefrom his necessary disbursements and costs (not exceeding \$5) except when the debt due from him to the defendant or judgment debtor is larger than the amount of the plaintiff's claim and costs in which case the garnishee may deduct such costs and disbursements out of the balance in his hands but if such balance is not sufficient to cover such disbursements and costs he may deduct the difference from the amount to be paid into court. No. 6 of 1897, s. 1 (47). Garnishee's costs

388. The Government of the North-West Territories may be garnisheed under the provisions of this order with regard to moneys due or accruing due to all persons permanently employed by the Government of the Territories. North West Government, garnishment against

(2) Such garnishee process shall be served upon the clerk of the Legislative Assembly in his office. Service

(3) This rule shall only apply to causes of action arising on or after the first day of September in the year one thousand eight hundred and ninety-four. No. 5 of 1894, ss. 24, 25, 26. When rule applicable

Default by  
garnishee

389. If the garnishee does not pay into court the amount due from him to the debtor or an amount equal to the claim or judgment and costs and does not dispute the debt due or claimed to be due from him to such debtor then the judge may after judgment has been entered against the primary debtor or at once when the garnishee summons is founded on a judgment already recovered order that judgment be entered up against the garnishee and that execution issue and it may issue accordingly to levy the amount due from such garnishee or so much thereof as may be sufficient to satisfy the judgment or order. [E. 624.] No. 6 of 1893, s. 370; No. 6 of 1897, s. 1 (48).

Dispute by  
garnishee

390. If the garnishee disputes his liability or claims that the debt is not attachable he shall enter with the clerk within the time specified in the summons or such further time as the judge may allow a statement showing the grounds on which he disputes liability or claims that the debt is not attachable. After which, on application of the plaintiff or any other person interested on two days' notice given to the garnishee, the judge may fix a time and place for summarily determining the question of liability or whether the debt is attachable as the case may be; or may order that any issue or question necessary for determining such liability or whether the debt is attachable be tried and determined in any manner in which any issue or question in any action may be tried or determined and may direct who shall be the parties to such issue or question and any determination under this section whether summarily or otherwise shall form a judgment of the court and may be enforced as such. [E. 625.] No. 6 of 1897, s. 1 (49).

Trial of issue

Delay by  
plaintiff

Application by  
garnishee

391. If within two months after the appearance by the garnishee the plaintiff does not proceed to have the question of liability determined as hereby provided the garnishee may apply for an order to set aside the garnishee summons. No. 6 of 1893, s. 372.

Suggestion  
of claim of  
third party

392. Whenever it is suggested by the garnishee or any person claiming to be interested that the debt attached belongs to some third person or that any third person has a lien or charge upon it the judge may order such third person to appear and state the nature and particulars of his claim upon such debt. [E. 626.] No. 6 of 1893, s. 373. No. 6 of 1897, s. 1 (50).

Procedure  
when third  
person  
suggested  
as entitled

393. After hearing the allegations of any third person under such order as in the next preceding rule mentioned and of any other person whom by the same or any subsequent order the judge may order to appear or in case of such third person not appearing when ordered the judge may order execution to issue to levy the amount due from such garnishee or any issue or question to be tried or determined in manner aforesaid and may bar the claim of such third person or make such other order as such judge shall think fit upon such terms in all cases with respect to the lien or charge (if any) of such third person and to costs as the judge shall think just and reasonable. [E. 627.] No. 6 of 1893, s. 374.

394. Payment made by or execution levied upon the garnishee under any such proceeding as aforesaid shall be a valid discharge to him against the debtor to the amount paid or levied although such proceeding may be set aside or the judgment or order reversed or the plaintiff fail in his action. [E. 628.] No. 6 of 1893, s. 375.

Garnishee  
discharged  
by payment  
or levy

395. The garnishee shall not be liable for the costs of the proceedings unless and in so far only as occasioned by setting up a defence which he knew or ought to have known was untenable; and the plaintiff or judgment creditor in garnishee proceedings shall be entitled to tax against the defendant or judgment debtor and add to the judgment the costs of such proceedings unless the judge otherwise orders and subject to this provision the cost of all parties shall be in the discretion of the judge. No. 6 of 1893, s. 376.

Costs in  
garnishee  
proceedings

396. No execution shall in any case issue to levy the money owing from any garnishee until and so far only as such money shall become fully due. No. 6 of 1893, s. 377.

Execution  
stayed till  
money due

397. No debt due or accruing due to a mechanic, workman, labourer, servant, clerk or employee for or in respect of his wages or salary shall be liable to seizure or attachment unless the said debt exceeds the sum of \$25 and then only to the extent of the excess:

Exemption  
from  
garnishment

Provided that nothing in this rule contained shall apply to any case where the debt sued for or in respect of which the judgment was recovered has been contracted for board and lodging. No. 6 of 1893, ss. 378 and 379.

Exception

### ORDER XXXIII.

#### INTERLOCUTORY ORDERS AS TO MANDAMUS, INJUNCTIONS OR INTERIM PRESERVATION OF PROPERTY.

398. Applications for interlocutory orders for mandamus, injunction or receiver or the interim preservation of property may be made *ex parte* in the first instance or by notice of motion or on summons in chambers:

Interlocutory  
applications,  
how made

Provided that on an *ex parte* application the judge may require notice to be given to any party or parties interested. No. 6 of 1897, s. 2.

399. When by any contract a *prima facie* case of liability is established and there is alleged as matter of defence a right to be relieved wholly or partially from such liability the Court or judge may make an order for the preservation or interim custody of the subject matter of the litigation or may order that the amount in dispute be brought into court or otherwise secured. Application for an order under this rule may be made in chambers by summons or notice of motion by any

Interim  
preservation  
of property

party at any time after his right thereto appears from the pleadings or, if there be no pleadings, is made to appear by affidavit or otherwise to the satisfaction of the Court or judge. [E. 657 and 663.] No. 6 of 1893, s. 380; No. 6 of 1897, s. 1 (51).

Order for sale  
of goods, etc.

400. It shall be lawful for a judge on the application of any party to make any order for the sale by any person or persons named in such order and in such manner and on such terms as the judge may think desirable of any goods, wares or merchandise which may be of a perishable nature or likely to injure from keeping or which for any other just or sufficient reason it may be desirable to have sold at once. [E. 658.] No. 6 of 1893, s. 381.

Detention,  
preservation  
or inspection  
of property

401. It shall be lawful for a judge upon the application of any party to a cause or matter and upon such terms as may be just to make any order for the detention, preservation or inspection of any property or thing being the subject of such cause or matter or as to which any question may arise therein and for all or any of the purposes aforesaid to authorise any person to enter upon or into any land or building in the possession of any party to such cause or matter and for all or any of the purposes aforesaid to authorise any samples to be taken or any observation to be made or experiment to be tried which may be necessary or expedient for the purpose of obtaining full information or evidence. [E. 659.] No. 6 of 1893, s. 382.

Inspection by  
judge or jury

402. It shall be lawful for the judge by whom any cause or matter may be heard or tried with or without a jury or before whom any cause or matter may be brought, to inspect any property or thing concerning which any question may arise therein and in jury cases the judge may make all such orders upon the sheriff or other person as may be necessary to procure the attendance of the jury at such time and place and in such manner as he may think fit. [E. 660 and 661.] No. 6 of 1893, s. 383.

Order for  
delivery of  
specific  
chattel  
claimed under  
lien or  
payment into  
court;

403. Where an action is brought to recover or a defendant in his defence seeks by way of counterclaim to recover specific property other than land and the party from whom such recovery is sought does not dispute the title of the party seeking to recover the same but claims to retain the property by virtue of a lien or otherwise as security for any sum, the judge may at any time after such last mentioned claim appears from the pleadings or if there be no pleadings by affidavit or otherwise to the satisfaction of such judge, order that the party claiming to recover the property be at liberty to pay into court to abide the event of the action the amount of money in respect of which the lien or security is claimed and such further sum if any for interest and costs as such judge may direct and that upon such payment into court being made the property claimed be given up to the party claiming it. [E. 664.] No. 6 of 1893, s. 384.

404. Where any real or personal estate forms the subject of any proceedings in the court and the judge is satisfied that the same will be more than sufficient to answer all the claims thereon which ought to be provided for in such proceedings the judge may at any time after the commencement of the proceedings allow to the parties interested therein or to any one or more of them the whole or part of the annual income of the real estate or a part of the personal estate or the whole or a part of the income thereof up to such times as the judge shall direct. [E. 665.] No. 6 of 1893, s. 385.

Allowance out  
of estate  
*pendente lite*

405. An injunction shall be by a judgment or order and any such judgment or order shall have the effect which a similar judgment or order has in England. [E. 667.] No. 6 of 1893, s. 387.

Injunction

406. In any cause or matter in which an injunction has been or might have been claimed the plaintiff may before or after judgment apply for an injunction to restrain the defendant or respondent from the repetition or continuance of the wrongful act or breach of contract complained of or from the commission of any injury or breach of contract of a like kind relating to the same property or right or arising out of the same contract and the judge may grant the injunction either upon or without terms as may be just. [E. 668.] No. 6 of 1893, s. 388.

Injunction  
against  
wrongful act  
or breach of  
contract

#### MANDAMUS.

407. The plaintiff in any action in which he shall claim a mandamus to command the defendant to fulfil any duty in the fulfilment of which the plaintiff is personally interested shall include the claim in his statement of claim. No. 6 of 1893, s. 479.

Statement  
of claim

408. If judgment be given for the plaintiff the Court or judge may by the judgment command the defendant either forthwith or on the expiration of such time and upon such terms as may appear to the Court or judge to be just to perform the duty in question. The Court or judge may also extend the time for the performance of the duty. [E. 721.] No. 6 of 1893, s. 480.

Order upon  
defendant for  
performance

409. In the event of noncompliance with the judgment as aforesaid the same may be enforced by prerogative mandamus as in England. No. 6 of 1893, s. 481.

Enforcement

410. No action or proceeding shall be commenced or prosecuted against any person in respect of anything done in obedience to a judgment or order for a mandamus. [E. 730.] No. 6 of 1893, s. 482; No. 12 of 1898, s. 22.

Protection of  
person acting  
under  
mandamus

411. No writ of mandamus shall hereafter be issued in any action but a mandamus shall be by judgment or order which shall have the same effect as a similar judgment or order has in England. [E. 722.] No. 6 of 1897, s. 1 (52).

Mandamus to  
be by  
judgment or  
order

## ORDER XXXIV.

## RECEIVERS.

Receiver 412. Where an order is made directing a receiver to be appointed unless otherwise ordered the person to be appointed shall first give security to be allowed by a judge duly to account for what he shall receive as such receiver and to pay the same as Security the Court or judge shall direct and the person so to be appointed Remuneration shall unless otherwise ordered be allowed a proper salary or allowance. [E. 672.] No. 6 of 1893, s. 389.

Time for filing accounts and payment of balances 413. When a receiver is appointed with a direction that he shall pass accounts the judge shall fix the days upon which he shall annually or at longer or shorter periods file and pass such accounts and also the days upon which he shall pay the balances appearing due on the accounts so filed or such part thereof as shall be certified as proper to be paid by him and with respect to any such receiver as shall neglect to file and pass his Neglect of receiver accounts and pay the balances thereof at the times so to be fixed for that purpose as aforesaid the judge before whom any such receiver is to account may from time to time when his subsequent accounts are produced to be examined and passed disallow the salary therein claimed by such receiver and may also if he shall think fit charge him with interest upon the balances so neglected to be paid by him during the time the same shall appear to have remained in the hands of any such receiver. [E. 674.] No. 6 of 1893, s. 390.

Default of receiver Procedure on 414. In case of any receiver failing to file any account or affidavit or to pass such account or to make any payment or otherwise the receiver or the parties or any of them may be required to attend before the judge to show cause why such account or affidavit has not been filed or such account passed or such payment made or any other proper proceedings taken and thereupon such directions as shall be proper may be given by the judge including the discharge of any receiver and appointment of another and payment of costs. [E. 677.] No. 6 of 1893, s. 391.

Receiver's accounts 415. When a receivership has been completed the book containing the accounts shall be deposited in the clerk's office. No. 6 of 1893, s. 392.

Passing accounts 416. The accounts of liquidators and of guardians shall be passed and verified in the same manner as receivers' accounts. No. 6 of 1893, s. 393.

## ORDER XXXV.

## ATTACHMENT OF PERSONAL PROPERTY.

Attachment of goods 417. After the commencement of any suit wherein the claim is for the recovery of a debt of \$50 or upwards from the defen-



dant to the plaintiff upon affidavit made by the plaintiff or one of several plaintiffs, if more than one, his or their agent, having a personal knowledge of the matter stating clearly and succinctly from what cause such debt arose and the amount thereof and that he has good reason to believe (giving reasons therefor) that the defendant—

Affidavits  
required

- (a) Is about to abscond or has absconded from the Territories leaving personal property in any judicial district thereof liable to seizure under execution for debt; or
- (b) Has attempted to remove such personal property out of the said Territories or to sell or dispose of the same with intent to defraud his creditors generally or the plaintiff in particular; or
- (c) Keeps concealed to avoid service of process; and
- (d) In either case that the deponent verily believes that without the benefit of the attachment the plaintiff will lose his debt or sustain damage;

and upon the further affidavit of one other credible person that he is well acquainted with the defendant and has good reason to believe (giving such reasons) that the defendant is about to abscond or has absconded or has attempted to remove his personal property out of the said Territories or to sell or dispose of the same or keeps concealed with intent as aforesaid as the case may be the judge being satisfied with the reasons aforesaid on application to him *ex parte* may direct the clerk to issue a writ of attachment in form D in the schedule hereto which writ shall be executed by the sheriff according to its tenor:

Application  
to Judge

Provided that in any case where the debtor has absconded or is about to abscond from the Territories leaving no wife or family behind no property of such debtor shall be exempt from seizure. No. 6 of 1893, s. 394; No. 6 of 1897, s. 1 (53); No. 12 of 1898, s. 15.

Exemption  
from seizure

418. A copy of every such writ shall be served on the debtor against whose effects the same is issued at the time of making any seizure thereunder or as soon thereafter as such service can be effected if the said debtor can be found; but if such personal service cannot be effected a copy thereof shall be left with some grown-up person resident at the place where such seizure is made or if no person is resident, posted in a conspicuous place on the premises. No. 6 of 1893, s. 395.

Copy writ of  
attachment  
to be served

419. Immediately after making a seizure under the said writ the sheriff shall make a return of the writ and with such return transmit annexed thereto an inventory of the property seized and the value thereof according to the best of his judgment and an affidavit of the manner in which service of such writ has been effected. No. 6 of 1893, s. 396.

Sheriff's  
return and  
inventory

420. Upon the seizure of any property under the writ hereinbefore described the person in whose possession it was at the time of seizure may have the same returned to him upon giving

Return of  
goods seized  
on giving  
security or

deposit of  
value claimed

the sheriff sufficient security for or paying into court an amount equal to its appraised value as shown by the inventory prescribed by the preceding rule hereof. No. 12 of 1898, s. 16.

421. Unless the property seized is redelivered or relinquished by the sheriff under any of the provisions hereof he shall hold the same until the plaintiff obtains judgment in the cause and an execution upon such judgment is delivered to the sheriff:

Provided that in case the plaintiff shall be guilty of any unnecessary delay in the prosecution of his suit to judgment the Court or a judge may order the redelivery of the property so seized to the person from whose possession it was taken unless some other writ of attachment or execution against the defendant shall be in the sheriff's hands for execution. No. 12 of 1898, s. 17.

Subsequent  
proceedings

422. Notwithstanding the issue of a writ of attachment the cause shall be proceeded with in the ordinary way but the plaintiff shall not have judgment against the defendant except by order of the judge and in case the plaintiff fails to recover judgment for the full amount of the debt sworn to he shall not be entitled to any costs but may be ordered to pay the costs of the defendant. No. 6 of 1893, s. 398; No. 6 of 1897, s. 1 (54).

Setting aside  
writ

423. A writ of attachment may be set aside by a judge on satisfactory proof by affidavit that the creditor who sued out such writ had not reasonable cause for taking such proceeding. No. 6 of 1893, s. 399.

Disposal of  
cattle or  
perishable  
goods pending  
suit

424. In case any horses, cattle, sheep or any perishable goods or chattels or such as from their nature cannot be safely kept or conveniently taken care of are taken under any writ of attachment the officer who seized the same shall have them appraised and valued on oath by two competent persons and in case the plaintiff desires it and deposits with the sheriff a bond to the defendant executed by one or more persons whose sufficiency shall be approved of by such officer in double the amount of the appraised value of such articles conditioned for the payment of such appraised value to the defendant together with all costs and damages incurred by the seizure and sale thereof in case judgment is not obtained by the plaintiff against the defendant then the sheriff may sell all or any of such enumerated articles at public auction to the highest bidder giving not less than six days' notice of such sale unless any of the articles are of such a nature as not to allow of that delay in which case the officer shall sell such articles last mentioned forthwith and shall hold the proceeds of such sale for the same purpose as he would have held any property seized under the attachment. No. 6 of 1893, s. 400; No. 6 of 1897, s. 1 (55); No. 12 of 1898, s. 18.

Plaintiff  
omitting to  
give security

425. If the plaintiff after notice to himself or his advocate of the seizure of any articles enumerated in rule 424 hereof

neglects or refuses to deposit the bond or only offers a bond with sureties insufficient in the judgment of the sheriff then after the lapse of four days next after the notice the sheriff shall be relieved from all liability to the plaintiff in respect to the articles so seized and the sheriff shall forthwith restore the same to the person from whose possession he took such articles. [R.S.O. 1897, c. 79, s. 6.] No. 12 of 1898, s. 19.

## ORDER XXXVI.

### REPLEVIN.

426. In any action brought for the recovery of any personal property and claiming whether alone or with any other claim that such property was unlawfully taken or is unlawfully detained the plaintiff may at any time after the issue of the writ of summons obtain a writ of replevin for the delivery of the property to him on his complying with the following rules; such writ shall be in form E in the schedule hereto with such variations as circumstances may require; but nothing herein contained shall authorise the replevying any property seized by the sheriff or other officer charged with the execution of any process issued out of the court. No. 6 of 1893, s. 401.

Recovery of goods unlawfully detained

Property in custody of court

427. Writs of replevin shall be issued by the clerk of the court upon the plaintiff or his duly authorised agent filing an affidavit naming the judicial district in which the property is and

Issue of writ of replevin

1. Embodying a description of the property sought to be replevied and the value thereof to the best of the deponent's belief; and that the person claiming is the owner or is entitled to the possession of the said property;

Affidavit therefor

2. Further stating if replevin is sought in the case of property distrained for rent or *damage feasant* that the property was taken under colour of distress for rent or *damage feasant* as the case may be;

3. Or in the case of property wrongfully taken out of the possession of the claimant or fraudulently got out of his possession, stating in addition to the particulars required by clause 1 of this rule the time and the wrongful and fraudulent manner in which the same was taken or gotten out of his possession and such facts and circumstances as show that the claimant is entitled to the possession of the property:

4. After the issue of a writ of replevin the defendant or his agent shall have the right to apply to the judge for an order allowing him to retain possession of the property upon giving such security to the sheriff as the judge may order. Such security shall be assigned on request to the party entitled to the benefit thereof by the sheriff indorsing his name thereon and such indorsement shall be sufficient to enable such party to bring action thereon in his own name against the several parties who have executed such security. No. 6 of 1893, s. 402.

Return of property to defendant on giving security

**Replevin bond** 428. Before the sheriff replevies he shall take a bond in double the value of the property to be replevied as stated in the

**Assignment of writ.** The bond shall be assignable to the defendant by the sheriff indorsing his name thereon and such indorsement shall enable the defendant to bring an action thereon in his own name against the parties who have executed it. The bond may

**Form** be in form F in the schedule hereto with such variations as circumstances may require and the parties to such bond shall be

**Defendant's rights** liable to the defendant and the defendant be entitled to recover from them in such action as well the value of the property replevied as the amount of any judgment in his favour in the original action as also such damages as the defendant may have sustained by reason of the detention of the property replevied by means of the said writ. No. 6 of 1893, s. 403; No. 7 of 1895, s. 3.

**Service of copy of writ** 429. A copy of such writ shall be served upon the defendant personally or if he cannot be found left at his usual or last place of abode with his wife or some other grown up person being a member of his family or household or if no such person resident there posted in a conspicuous place on the premises or if the defendant has no known residence posted up in the office of the clerk who issued the writ; but such service or posting shall not be made until the sheriff has replevied the property described in the writ or such part thereof as can be found; and in case the said sheriff or other officer has good reason to suspect that the property to be replevied or any part thereof is secured, contained or concealed in any dwelling house, building or enclosure of the defendant or of any other person keeping or holding the same and the said sheriff or officer demands from the owner, occupier or other person in charge of the premises after said deliverance of the said property and the same shall not be delivered upon such demand he may and if necessary he shall (but only between sunrise and sunset) break open such premises and enter and search the same for the purpose of replevying the property demanded and if found therein replevy the same. No. 6 of 1893, s. 404.

**Property secured or concealed from sheriff**

**Sheriff's return to writ** 430. The sheriff shall make a return to the writ to the clerk of the court whence it issued and shall annex to the return—

1. The names, places of residence and occupation of the sureties in and the date of the bond taken from the plaintiff and the names of the witnesses thereto;

2. The number, quality and quantity of the articles of property replevied and in case he has replevied only a portion of the property mentioned in the writ and cannot replevy the residue he shall state in his return the articles which he cannot replevy and the reason why not. No. 6 of 1893, s. 405; No. 5 of 1894, s. 17.

## ORDER XXXVII.

## INTERPLEADER.

431. Relief by way of interpleader may be granted—

Interpleader

1. Where the person seeking relief (hereinafter called the applicant) is under any liability for any debt, money, goods or chattels for or in respect of which he is or expects to be sued by two or more parties (hereinafter called the claimants) making adverse claims thereto ;

Cases in which relief granted

2. Where the applicant is a sheriff or other officer charged with the execution of process by or under the authority of the court and claim is made to any property taken or intended to be taken in execution or attachment under any process or to the proceeds or value of any such property by—

- (a) Any person other than the person against whom the process issued ;
- (b) Any landlord for rent ;
- (c) Any second or subsequent execution creditor claiming priority over any previous judgment, execution, process or proceeding ;
- (d) The execution or attachment debtor claiming the benefit of any exemptions from seizure allowed by law. No. 6 of 1893, s. 406 ; No. 12 of 1898, s. 20.

432. Where a claim is made to or in respect of any goods or chattels taken in execution under the process of the court it shall be in writing and upon the receipt of the claim the sheriff or his officer shall forthwith give notice thereof to the execution creditor and the execution creditor shall within four days after receiving the notice give notice to the sheriff or his officer that he admits or disputes the claim. If the execution creditor admits the title of the claimant and gives such notice he shall only be liable to such sheriff or officer for any fees and expenses incurred prior to the receipt of the notice admitting the claim. No. 6 of 1893, s. 407.

Sheriff's Interpleader Claim to be in writing Notice to and by execution creditor

433. Where the execution creditor does not in due time as directed by the last preceding rule admit or dispute the title of the claimant to the goods or chattels and the claimant does not withdraw his claim thereto by notice in writing to the sheriff or his officer the sheriff may apply for an interpleader summons to be issued and should the claimant withdraw his claim by notice in writing to the sheriff or his officer or the execution creditor in like manner serve an admission of the title of the claimant prior to the return day of such summons and at the same time give notice of such admission to the claimant the judge may in and for the purposes of the interpleader proceedings make all such orders as to costs, fees, charges and expenses as may be just and reasonable. No. 6 of 1893, s. 408.

If claim not admitted or abandoned, issue of summons

Admission or abandonment after summons

Costs

434. The applicant must satisfy the Court or judge by affidavit or otherwise—

Matters to be proved by applicant

1. That the applicant claims no interest in the subject matter or dispute other than for charges or costs; and

2. That the applicant does not collude with any of the claimants; and

3. That the applicant is willing to pay or transfer the subject matter into court or to dispose of it as the Court or judge may direct. [E. 851.] No. 6 of 1893, s. 409.

**Adverse titles of claimants** 435. The applicant shall not be disentitled to relief by reason only that the titles of the claimants have not a common origin but are adverse to and independent of one another. [E. 852.] No. 6 of 1893, s. 410.

**Application by defendant** 436. When the applicant is a defendant application for relief may be made at any time after service of the writ of summons. [E. 853.] No. 6 of 1893, s. 411.

**Summons by applicant** 437. The applicant may take out a summons calling on the claimants to appear and state the nature and particulars of their claims and either to maintain or relinquish them. [E. 854.] No. 6 of 1893, s. 412.

**Stay of action** 438. If the application is made by the defendant in an action the Court or judge may stay all further proceedings in the action. [E. 855.] No. 6 of 1893, s. 413.

**Order on summons** 439. If the claimants appear in pursuance of the summons the Court or judge may order either that any claimant be made a defendant in any action already commenced in respect to the subject matter in dispute in lieu of or in addition to the applicant or that an issue between the claimants be stated and tried and in the latter case may direct which of the claimants is to be plaintiff and which defendant as also the time and place for the trial of such issue. [E. 856.] No. 6 of 1893, s. 414.

**Summary disposal** 440. The judge may if it seems desirable so to do dispose of the merits of their claims and decide the same in a summary manner and on such terms as may be just. [E. 857.] No. 6 of 1893, s. 415.

**Question of law** 441. When the question is a question of law and the facts are not in dispute the judge may either decide the question without directing the trial of an issue or order that a special case be stated for the opinion of the Court. If a special case is stated the provisions herein relating to special cases shall as far as applicable apply thereto. [E. 858.] No. 6 of 1893, s. 416.

**Claimant not appearing or otherwise in default** 442. If a claimant having been duly served with a summons calling upon him to appear and maintain or relinquish his claim does not appear in pursuance of the summons or having appeared neglects or refuses to comply with any order made after his appearance the Court or judge may make an order declaring him and all persons claiming under him forever barred against the applicant and persons claiming under him but

the order shall not affect the rights of the claimants as between themselves. [E. 859.] No. 6 of 1893, s. 417.

443. Subject to the provisions of this order an appeal shall lie to the Court *en banc* from the decision of the Court or a judge in any interpleader proceeding but subject to such appeal the decision of the Court or judge shall be final and conclusive against the claimants and all persons claiming under them. No. 7 of 1895, s. 4.

Appeal lies  
Decision  
otherwise final

444. When goods and chattels have been seized in execution or under attachment by a sheriff and any claimant alleges that he is entitled under a bill of sale or otherwise to the same by way of security for debt the judge may order the sale of the whole or a part thereof and direct the application of the proceeds of the sale in such manner and upon such terms as may be just. [E. 861.] No. 6 of 1893, s. 419.

Order for sale  
of goods seized

445. The rules of court in respect to discovery and inspection shall with the necessary modifications apply in interpleader proceedings and the judge before whom the proceedings are had may finally dispose of the whole matter of the interpleader proceedings including all costs not otherwise provided for. [E. 862.] No. 6 of 1893, s. 420.

Discovery and  
inspection  
Powers of  
judge

446. In case the sheriff has more than one writ at the suit or instance of different parties against the same property it shall not be necessary for the sheriff to make separate applications on such writs or in each case; but he may make one application and make all the parties who are execution creditors parties to the said application; and the Court or judge before whom the application is made may make such order therein as if a separate application had been made upon and in respect of each writ. No. 6 of 1893, s. 421.

Application  
where several  
executions  
against same  
property

447. Pending the adjudication of any such claim the sheriff may upon sufficient security being given to him by bond or otherwise for the forthcoming and delivery to him of the property so taken or the value thereof when demanded permit the claimant to retain the possession of the same until there shall be final adjudication in respect of the same; but in every such case it shall be competent for the said sheriff or other officer at any time he shall see fit to resume the actual and absolute possession and custody of the said property notwithstanding such bond or security. Horses, cattle, sheep or any perishable goods the subject of interpleader may at the request of either party and upon his furnishing sufficient security or by order of the judge be sold by the seizing officer at public auction to the highest bidder giving not less than ten days' notice of such sale unless any of the articles are of such a nature as not to admit of delay in which case they may be sold forthwith. No. 6 of 1893, s. 422.

Delivery of  
property to  
claimant  
pending  
adjudication  
Sale of cattle  
or perishable  
goods

448 The Court or a judge may in and for the purposes of

Costs and

other matters any interpleader proceedings make all such orders as to costs and all other matters as may be just and reasonable. [E. 864.] No. 6 of 1893, s. 423.

## ORDER XXXVIII.

### SALES OF LAND, PARTITION, ETC.

Court may  
order sale of  
real estate

449. If in any cause or matter relating to any real estate it shall appear necessary or expedient that the real estate or any part thereof should be sold the Court or a judge may order the same to be sold and any party bound by the order and in possession of the estate or in receipt of the rents and profits thereof shall be compelled to deliver up such possession or receipt to the purchaser or such other person as may be thereby directed. [E. 680.] No. 6 of 1893, s. 539; No. 21 of 1896, s. 6.

Mode of  
carrying out  
sale,  
mortgage, etc.,  
when ordered  
by court

450. In all cases where a sale, mortgage, partition or exchange is ordered the Court or a judge shall have power in addition to the powers already existing, with a view to avoiding expense or delay or for other good reason, to authorise the same to be carried out—

1. By laying proposals before the judge in chambers for his sanction; or

2. By proceedings altogether out of court, any moneys produced thereby being paid into court or to trustees or otherwise dealt with as the judge in chambers may order:

Provided always that the judge shall not authorise the said proceedings altogether out of court unless and until he is satisfied by such evidence as he shall deem sufficient that all persons interested in the estate to be sold, mortgaged, partitioned or exchanged are before the Court or are bound by the order for sale, mortgage, partition or exchange and every order authorising the said proceedings altogether out of court shall be prefaced by a declaration that the judge is so satisfied as aforesaid and a statement of the evidence upon which such declaration is made. [E. 680a.] No. 21 of 1896, s. 7.

Sale by court

Approval of  
judge

Parties

451. Where a judgment or order is given or made whether in court or chambers directing any property to be sold, unless otherwise ordered the same shall be sold with the approbation of the judge to the best purchaser that can be got, the same to be allowed by the judge, and all proper parties shall join in the sale and conveyance as the judge shall direct. [E. 682.] No. 21 of 1896, s. 8.

Originating  
summons for  
foreclosure,  
etc.

452. A mortgagee or mortgagor whether legal or equitable or any person entitled to or having property subject to a legal or equitable charge or any person having the right to foreclose or redeem any mortgage whether legal or equitable may obtain an originating summons returnable in chambers for such relief of the nature or kind following as may by the summons be speci-



fied and as the circumstances of the case may require that is to say: sale, foreclosure, delivery of possession by the mortgagor, redemption, reconveyance, delivery of possession by the mortgagee. [E. 767*a*.] No. 21 of 1896, s. 9.

453. The judge may upon such summons pronounce such judgment and make such orders as the case may require including orders vesting such property in such person or persons as may be found or declared entitled thereto for such estate or interest as may be requisite. No. 12 of 1898, s. 29.

454. The persons to be served with the said summons shall be such persons as under the existing practice would be the proper defendants to an action for the like relief as that specified by the summons. [E. 767*b*.] No. 21 of 1896, s. 10. Persons to be served

455. The judge may direct such other persons to be served with the summons as he may think fit. [E. 768.] No. 21 of 1896, s. 11. Service on other persons

456. The application shall be supported by such evidence as the judge may require and directions may be given as he may think just for the trial of any questions arising thereout. [E. 769.] No. 21 of 1896, s. 12. Evidence Trial of questions

457. The judge may give any special directions touching the carriage or execution of the judgment or order or the service thereof upon persons not parties as he may think just. No. 12 of 1898, s. 29. Special directions

## ORDER XXXIX.

### MOTIONS AND APPLICATIONS.

458. Applications for summonses, rules and orders to shew cause and applications authorised to be so made by these rules may be made *ex parte*. Other motions in court shall be by notice of motion and other applications in chambers by summons except where otherwise specially provided. But the Court or judge if satisfied that delay caused by proceeding in the ordinary way would or might entail irreparable or serious mischief may make any order *ex parte* upon such terms as to costs or otherwise and subject to such undertaking if any as the Court or judge may think just; and any party affected by such order may move to set it aside or to vary it. [E. 698] No. 6 of 1893, ss. 470 and 483. Ex parte applications  
Court motions  
Chamber applications  
Order ex parte if delay injurious

459. Every notice of motion or summons to set aside, remit or enforce an award or for attachment or committal or to strike off the rolls shall state in general terms the grounds of the application; and where any motion is made by notice a copy of any affidavit intended to be used shall be served with the notice of motion. [E. 699.] No. 6 of 1897, s. 1 (36). Grounds to be stated in certain cases  
Service of affidavits

Motions  
Length of  
notice

460. Unless the Court or a judge gives special leave to the contrary there must be at least two clear days between the service of a notice of motion and the day named in the notice for hearing the motion. [E. 700.] No. 6 of 1893, s. 472.

Dismissal or  
adjournment  
where persons  
not served

461. If on the hearing of a motion or other application the Court or judge shall be of opinion that any person to whom notice has not been given ought to have or to have had such notice the Court or judge may either dismiss the motion or application or adjourn the hearing thereof in order that such notice may be given upon such terms if any as the Court or judge may think fit to impose. [E. 701.] No. 6 of 1893, s. 473.

Adjournment  
of hearing

462. The hearing of any motion or application may from time to time be adjourned upon such terms if any as the Court or judge may think fit. [E. 702.] No. 6 of 1893, s. 474.

Deciding  
preliminary  
question

463. When on any application or motion in court or chambers it appears to the judge desirable that any question of law or fact should be first determined before proceeding with the complete hearing of such application or motion the judge may direct such question to be first argued or determined upon such terms as to costs, adjournment and otherwise as he deems proper and upon the determination of such question the judge may either finally dispose of the motion or application or proceed with a further hearing thereof as may be proper. No. 6 of 1897, s. 1 (57).

Defendant not  
appearing to  
writ  
Service on  
notice on

464. The plaintiff shall without any special leave be at liberty to serve any notice of motion or other notice or any petition or summons upon any defendant who having been duly served with a writ of summons to appear has not appeared within the time limited for that purpose. [E. 703.] No. 6 of 1893, s. 475.

Service of  
notice of  
motion before  
appearance

465. The plaintiff may by leave of the Court or judge to be obtained *ex parte* serve any notice of motion upon any defendant along with the writ of summons or at any time after service of the writ of summons and before the time limited for the appearance of such defendant. [E. 704.] No. 6 of 1893, s. 476.

Enforcing  
return of writ  
or order by  
sheriff

466. No order shall issue for the return of any writ or order or to bring in the body of any person ordered to be attached, arrested or committed; but a notice from the person issuing the writ or obtaining the order for attachment, arrest, replevin or committal (if not represented by an advocate) or by his advocate calling upon the sheriff to return such writ or order or to bring in the body within ten days, if not complied with shall entitle such person to apply for an order for the committal of such sheriff. [E. 706.] No. 6 of 1893, s. 477.

Date of orders

467. Every order shall be dated the day of the month and year on which the same was made, unless the Court or a judge

shall otherwise direct, and shall take effect accordingly. [E. 708.] No. 6 of 1893, s. 478.

468. Where an order has been made not embodying any special terms nor including any special directions but simply enlarging time for taking any proceeding or doing any act or giving leave— Certain orders need not be drawn up

- (a) For the issue of any writ other than a writ of attachment ;
- (b) For the amendment of any writ or pleadings ;
- (c) For the filing of any document ; or
- (d) For any act to be done by any officer of the court other than an advocate ;

it shall not be necessary to draw up such order unless the court or a judge shall otherwise direct ; but the production of a note or memorandum of such order signed by a judge shall be sufficient authority for such enlargement of time, issue or amendment, filing or other act. A direction that the costs of such order shall be costs in any cause or matter shall not be deemed a special direction within the meaning of this section. The advocate of the person on whose application such order is made shall forthwith give notice in writing thereof to such person if any as would if this rule had not been made have been required to be served with such order. [E. 709.] No. 6 of 1897, s. 1 (58).

## ORDER XL.

### APPLICATIONS IN CHAMBERS.

#### *I.—By Originating Summons.*

469. Proceedings commenced by originating summons in the Supreme Court of Judicature in England may be so commenced under this Ordinance unless otherwise provided and proceedings by a landlord to recover possession of demised premises from an overholding tenant may be so commenced. No. 6 of 1897, s. 1 (59, 64). Proceedings by originating summons

470. An originating summons shall be sealed by the clerk and shall follow form G in the schedule hereto with such variations as may be approved by the judge. No. 21 of 1896, s. 13. Sealing and form

471. Unless otherwise ordered there shall be at least ten clear days between the service and return of an originating summons. No. 6 of 1897, s. 1 (61). Time for appearance

472. An originating summons may be served in the same manner as a writ of summons. No. 6 of 1897, s. 1 (59). Service

473. Upon proof by affidavit of the due service of the originating summons or on the appearance in person or by advocate Judgment on originating summons

of the parties served the judge may pronounce such judgment as the nature of the case requires. [E. 470.] No. 21 of 1896, s. 14; No. 6 of 1897, s. 1 (60).

Special  
directions as  
to judgment

474. The judge may give any special directions touching the carriage or execution of the judgment or the service thereof upon persons not parties as he may think just. [E. 771.] No. 21 of 1896, s. 15.

## II.—Generally.

Service of  
chamber  
summons

475. Every summons except an originating summons shall be served two clear days before the return thereof unless in any case it shall be otherwise ordered. [E. 737.] No. 6 of 1893, s. 486.

Proceeding  
*ex parte*  
where party  
fails to attend

476. Where any of the parties to a summons fail to attend whether upon the return of the summons or at any time appointed for the consideration or further consideration of the matter the judge after waiting thirty minutes may allow the case to proceed *ex parte* if considering the nature of the case he thinks it expedient so to do; no affidavit of non attendance shall be required or allowed but the judge may require such evidence of service as he may think just. [E. 738.] No. 6 of 1893, s. 487.

Reconsidera-  
tion of *ex parte*  
proceedings

477. When the case has been allowed to proceed *ex parte* such proceeding shall not in any manner be reconsidered unless the judge shall be satisfied that the party failing to attend was not guilty of wilful delay or negligence; and in such case the costs occasioned by his non-attendance shall be in the discretion of the judge who may fix the same at the time and direct them to be paid by the party or his advocate before he shall be permitted to have such proceeding reconsidered or make such order as to such costs as he may think just. [E. 739.] No. 6 of 1893, s. 488.

Costs

Proceeding  
failing by non-  
attendance  
of party

Costs

478. When a proceeding in chambers fails by reason of the non-attendance of any party and the judge does not think it expedient to allow *ex parte* proceeding the judge may order such an amount for costs if any as he shall think reasonable to be paid to the party attending by the absent party or by his advocate personally. [E. 740.] No. 6 of 1893, s. 489.

Summons  
not disposed  
of on return,  
further  
attendance

479. When matters in respect of which summonses have been issued are not disposed of upon the return of the summons the parties shall attend from time to time without further summons at such time or times as may be appointed for the consideration or further consideration of the matter. [E. 741.] No. 6 of 1893, s. 490.

Jurisdiction  
of judge in  
chambers

480. A judge in chambers shall have jurisdiction to hear and determine any application or motion, except where it is by this Ordinance or these rules otherwise provided, that may be heard and determined by a single judge or which by the

practice and procedure in the Supreme Court of Judicature in England may be heard and determined by any judge in chambers, master or chief clerk. No. 6 of 1897, s. 1 (63).

### III.—Administration and Trusts.

481. The executors or administrators of a deceased person or the sureties for administrators and the trustees under any deed or instrument or any of them and any person claiming to be interested in the relief sought as creditor, devisee, legatee, next of kin or heir at law of a deceased person or as *cestui que trust* under the trust of any deed or instrument or as claiming by assignment or otherwise under such creditor or other person as aforesaid may obtain an originating summons returnable before the judge in chambers at such time as he may appoint, for:—

1. The administration of the estate of the deceased ;
2. The administration of the trust ;
3. The determination of any question affecting the rights or interests of the person claiming to be creditor, devisee, legatee, next of kin or heir at law or *cestui que trust* ;
4. The ascertainment of any class of creditors, legatees, devisees, next of kin or others ;
5. The furnishing and vouching of any particular accounts by executors, administrators or trustees ;
6. The payment into court of any money in the hands of executors, administrators or trustees ;
7. Directing the executors, administrators or trustees to do or abstain from doing any particular act in their character as executors, administrators or trustees.
8. The approval of any sale, purchase, compromise or other transaction ;
9. The determination of any question arising in the administration of the estate or trust ;
10. An order that no action be brought or that all actions and proceedings pending against trustees, executors or administrators be stayed for such period as to the said judge may seem necessary or expedient in order that sufficient time be allowed to such trustee, executor or administrator for the performance of the trusts imposed upon him ; provided however that any creditor or other person interested in such estate may apply before the expiration of such time for an order discontinuing such stay :

Originating summons relating to express trusts or administration of estate of deceased person

Staying actions pending performance of trusts

Provided that the proceedings under this rule shall not interfere with or control any power or discretion vested in any executor, administrator or trustee except so far as such interference or control may necessarily be involved in the particular relief sought. [E. 765, 766 and 774.] No. 6 of 1893, s. 492 ; No. 7 of 1895, s. 6 ; No. 21 of 1896, s. 3 ; No. 6 of 1897, s. 1 (64).

Interference with discretion of trustee

482. The persons to be served with the summons under the Service of  
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summons last preceding rule shall be such persons as would be the proper defendants to an action for the like relief as that specified by the summons and the summons shall be served upon such other persons as the judge may direct and the intended hearing may also be advertised in one or more newspapers as the judge may order. No. 6 of 1897, s. 1 (65).

Newspaper notice

Evidence 483. The application shall be supported by such evidence as the judge may require. [E. 769.] No. 6 of 1893, s. 494.

Judgment on summons 484. Upon the return of the summons the judge may pronounce such judgment and make such orders as the nature of the case requires. [E 770.] No. 6 of 1893, s. 495.

Special directions 485. The judge may give any special directions touching the carriage or execution of the judgment or order or the service thereof upon persons not parties as he may think proper. [E. 771.] No. 6 of 1893, s. 496.

Administration not to be ordered if questions otherwise determinable 486. It shall not be obligatory on the Court or judge to pronounce or make judgment or order whether on summons or otherwise for the administration of any trust or of the estate of any deceased person if the questions between the parties can be properly determined without such judgment or order. (E. 772.) No. 21 of 1896, s. 16.

Powers of court if administration or trust accounts not rendered 487. Upon an application for administration or execution of trusts by a creditor or beneficiary under a will, intestacy or deed of trust where no accounts or insufficient accounts have been rendered the Court or a judge may in addition to the powers already existing:

- (a) Order that the application shall stand over for a certain time and that the executors, administrators or trustees in the meantime shall render to the applicant a proper statement of their accounts with an intimation that if this is not done they may be made to pay the costs of the proceedings;
- (b) When necessary to prevent proceedings by other creditors or by persons beneficially interested make the usual judgment or order for administration with a proviso that no proceedings are to be taken under such judgment or order without leave of the judge in person. [E. 772a.] No. 21 of 1896, s. 17.

Appointment of new trustee and vesting order 488. Any of the following applications may be made by originating summons:

1. An application for the appointment of a new trustee with or without a vesting or other consequential order;

2. An application for a vesting order or other order consequential on the appointment of a new trustee whether the appointment is made by the Court or a judge or out of court. No. 21 of 1896, s. 18.

489. Whenever in an action for the administration of the estate of a deceased person or execution of the trusts of a written instrument a sale is ordered of any property vested in any executor, administrator or trustee the conduct of such sale shall be given to such executor, administrator or trustee unless the judge shall otherwise direct. [E. 666.] No. 6 of 1893, s. 386.

Sale ordered of trust property  
Conduct of sale

490. The judge may in such way as he may think fit obtain the assistance of accountants, merchants, engineers and other scientific persons the better to enable any matter at once to be determined and he may act upon the certificate of any such person. [E. 781.] No. 6 of 1893, s. 497.

Judge may obtain assistance of experts

491. Where a judgment or order is given or made directing an account of debts, claims or liabilities or an inquiry for heirs, next of kin or other unascertained persons unless otherwise ordered all persons who do not come in and prove their claims within the time which may be fixed for that purpose by advertisement shall be excluded from the benefit of the judgment or order. [E. 806.] No. 6 of 1893, ss. 498 and 222.

Claimants not coming in to prove excluded

492. The Court or judge may direct that notice of the time so fixed shall be given by publishing an advertisement thereof in some newspaper or newspapers in the Territories as the Court or judge may direct and unless otherwise directed no other notice thereof or service shall be necessary. No. 6 of 1893, s. 223.

Advertisement of time for proof of claims

493. Such notice if the order is made by the Court shall be signed by the clerk as the officer of the court; if made by a judge it shall be signed by him. No. 6 of 1893, s. 224.

Signature of notice

494. Upon such notice being duly published and such other notice given or published or served as the Court or judge may direct, all persons who do not come in and prove their claims within the time so fixed shall be excluded from the benefits of the judgment or order. [E. 806.] No. 6 of 1893, s. 225.

Persons not proving claims within time excluded

495. Any trustee, executor or administrator may without the institution of a suit upon a written statement verified on oath apply to a judge in chambers for the opinion, advice, or direction of such judge on any question respecting the management or administration of the trust property or the assets of any testator or intestate, notice of such application to be served upon or the hearing thereof to be attended by all persons interested in such application or such of them as the said judge shall think expedient and the said trustee, executor, or administrator acting upon the opinion, advice, or direction given by the said judge shall be deemed so far as regards his own responsibility to have discharged his own duty as such trustee, executor or administrator in the subject matter of the said application:

Application by trustee, etc., for opinion and direction of court

Provided nevertheless that nothing in this rule shall extend to indemnify any trustee, executor or administrator in respect

Exoneration of trustee, etc.

Fraud or  
concealment

of any act done in accordance with such opinion, advice or direction as aforesaid if such trustee, executor or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice or direction. No. 6 of 1893, s. 499.

#### IV.—*Guardian ad litem.*

Infant or  
person of  
unsound mind  
Guardian *ad  
litem*

496. At any time during proceedings at chambers under any judgment or order the judge may if he shall think fit appoint a guardian *ad litem* for an infant or person of unsound mind not already so found who has been served with notice of such judgment or order. No. 6 of 1893, s. 499.

#### V.—*Varying Orders.*

Consent to  
discharge of  
order

497. The judge may set aside, vary or discharge any order made by him on consent of all parties interested. No. 6 of 1897, s. 1 (66).

### ORDER XLI.

#### COURT EN BANC.

Sittings of  
court *en banc*

498. The Supreme Court shall sit *en banc* at such times and places as the Lieutenant Governor in Council appoints. The sittings may be adjourned from time to time as may be necessary. No. 12 of 1898, s. 23.

Adjournment  
if no quorum

499. If on any of the days appointed for the sittings of the Court *en banc* or adjournments thereof a sufficient number of judges to constitute a quorum have not arrived the senior judge present shall make such adjournment as he may think proper. No. 6 of 1893, s. 501.

Judgment on  
consent or as  
to costs, no  
appeal  
without leave

500. No judgment given or order made by the Court or a judge by the consent of parties or as to costs only which by law are left to the discretion of the Court or judge shall be subject to any appeal except by leave of the Court or judge giving the judgment or making the order. No. 6 of 1893, s. 502.

Jurisdiction  
in appeal

501. No appeal shall lie from the judgment or order of the court presided over by a single judge or a judge of the court to the Court *en banc* without the special leave of the judge or court whose judgment or order is in question unless the title to real estate or some interest therein or the validity of a patent is affected or unless the matter in controversy on the appeal exceeds the sum of two hundred dollars exclusive of costs; or unless the matter in question relates to the taking of an annual or other rent, customary or other duty or fee or a like demand of a public nature or general nature affecting future rights. No. 6 of 1893, s. 503.



502. No security for costs shall be required in applications for new trials or appeals or motions in the nature of appeals unless by reason of special circumstances such security is ordered by a judge upon application to be made within fifteen days from the service of the notice of motion, application or appeal. No. 7 of 1895, s. 7. Security for costs

503. Motions for new trials, appeals and motions in the nature of appeals shall be brought by notice of appeal and any party appealing may by the same notice appeal and in the alternative ask for a new trial. In motions for new trials, appeals or motions in the nature of appeals the appellant may, by the notice of appeal, appeal from the whole or any part of the verdict, judgment or order and the notice of appeal shall state whether the whole or part only of such verdict, judgment or order is complained of and in the latter case shall specify such part; and such notice of appeal shall state the grounds on which such application is based. No. 6 of 1897, s. 1 (67). Appeal or motion for new trial  
Contents of notice

504. The notice of appeal shall be served within 30 days after the verdict where the application is for a new trial and within 30 days after judgment in other cases but the Court or judge may either before or after the expiration of such period enlarge the time for giving notice, provided that in appeals from interlocutory orders the notice of appeal shall be served within 15 days from the date of the order but the Court or judge may in like manner enlarge the time for giving such notice. No. 6 of 1897, s. 1 (68). Time for service of notice

505. The notice may be amended at any time by leave of the Court or judge on such terms as the Court or judge thinks just. [E. 555.] No. 6 of 1893, s. 507. Amendment of notice

506. In appeals or motions in the nature of appeals the notice of appeal shall be served on all parties directly affected by the appeal and it shall not be necessary to serve parties not so affected; but the Court may direct notice of the appeal to be served on all or any parties to the action or other proceeding or upon any person not a party and in the meantime may postpone or adjourn the hearing of the appeal upon such terms as may be just and may give such judgment and make such order as might have been given or made if the persons served with such notice had been original parties. [E. 866.] No. 6 of 1893, s. 508. Service of notice of appeal  
Parties to appeal

507. On appeal the Court shall have in addition to all the powers and duties as to amendment, full discretionary powers to receive further evidence on questions of fact as to matters which have occurred after the date of the decision from which the appeal is brought by affidavit or by deposition taken before an examiner or commissioner; such further evidence shall be admitted on special grounds only and with the special leave of the Court. The Court shall have power to draw inferences of fact and to give any judgment and make any order which ought

to have been made and to make such further or other order as the case may require. The powers aforesaid may be exercised by the Court notwithstanding that the notice of appeal may be that part only of the decision may be reversed or varied and such powers may also be exercised in favour of all or any of the respondents or parties although such respondents or parties may not have appealed from or complained of the decision. The Court shall have power to make such order as to the whole or any part of the costs of the appeal as may be just. [E. 868.] No. 6 of 1893, s. 509.

New trial not to be granted unless substantial wrong or miscarriage

508. A new trial shall not be granted on the ground of misdirection or of the improper admission or rejection of evidence or because the verdict of the jury was not taken upon a question which the judge at the trial was not asked to leave to them unless in the opinion of the Court to which the application is made some substantial wrong or miscarriage has been thereby occasioned in the trial; and if it appear to such court that such wrong or miscarriage affects part only of the matter in controversy or some or one only of the parties the Court may give final judgment as to part thereof or some or one only of the parties and direct a new trial as to the other part only or as to the other party or parties. [E. 556.] No. 6 of 1893, s. 510.

New trial on any one question

509. A new trial may be ordered on any question whatever be the grounds for the new trial without interfering with the decision or finding upon any other question. [E. 557.] No. 6 of 1893, s. 511.

Application to stay proceedings pending appeal

510. When notice of motion for a new trial or notice of appeal has been served the further proceedings on the verdict, finding, order or judgment may be stayed in whole or in part until the decision or such motion or appeal by the Court or by the judge who presided at the trial on such terms as the Court or judge may think fit. The applicant however shall be entitled to an order so staying the proceedings on filing sufficient bail or security or making deposit of money to the approval of the Court or judge in such reasonable amount as the Court or judge shall direct to respond to the judgment to be finally given in the cause or matter. An application to the judge for such stay of proceedings shall not prejudice the applicant's right to apply to the Court for such stay. No. 6 of 1893, s. 512.

Evidence on appeal as to question of fact

511. When any question of fact is involved in an appeal or application for a new trial the evidence taken in the court below or by the judge appealed from, bearing on such question shall subject to any special order be brought before the court as follows:

1. As to any evidence taken by affidavit, by the production of copies of such affidavits;

2. As to any evidence given orally, by the production of copies of the judge's notes or such other material as the Court may deem expedient. [E. 875.] No. 6 of 1893, s. 513.

512. No interlocutory order or rule shall operate so as to bar or prejudice the Court from giving such decision on the appeal as may be just. [E. 878.] No. 6 of 1893, s. 514.

Interlocutory order not to prejudice appeal

513. No notice of appeal shall operate as a stay of execution or of proceedings under the decision appealed from or objected to except so far as the judge appealed from or the Court may order and no intermediate act or proceeding shall be invalidated except so far as the Court may direct. Such deposit or other security shall be made or given as may be directed by the Court or judge otherwise, the motion of appeal shall not be heard but be dismissed. [E. 880.] No. 6 of 1893, s. 515.

Appeal not to be stay of proceedings

Security

514. Where any application ought to be made to or any jurisdiction exercised or any act done by the judge by whom a cause or matter has been tried or heard if such judge die or cease to be a judge of the court or if for any other reason it shall be impossible or inconvenient that such judge should act in the matter the presiding judge may either by a special order in any cause or matter or by a general order applicable to any class of orders or matters nominate some other judge to whom such applications may be made or by whom such jurisdiction may be exercised. [E. 885.] No. 6 of 1893, s. 516.

Applications to judge where judge who tried the action cannot hear them

515. A judgment, order, decision, rule or verdict appealed from or sought to be set aside shall stand as if no notice of appeal or notice of motion to set the same aside had been made or given if the cause or matter in which the same was made or given be not entered for argument on the first entry day after such notice or if the motion of which such notice has been given be not made when the cause or matter is called unless such default in the moving party be waived by the other parties interested or unless the Court shall otherwise order. No. 6. of 1893, s. 517.

Appeals to be entered and motions made at first opportunity

516. Any judge may deliver the judgment of the Court when authorised to do so by the judges *en banc* who heard the matter on which judgment is to be pronounced or may deliver the judgment of any other judge when authorised to do so by such other judge notwithstanding the absence of the judge or judges aforesaid. No. 6 of 1893, s. 309.

Single judge may deliver judgment of court or of other judge

## ORDER XLII.

### COSTS.

#### I.—*Generally.*

517. Subject to the provisions of this Ordinance and the rules of court the costs of and incident to all proceedings in the Supreme Court including the administration of estates and trusts and compensation or allowance to any executor, adminis-

Costs generally in discretion of court

trator, guardian, committee, receiver or trustee shall be in the discretion of the Court or judge:

Proviso as  
to trustees

Provided that nothing herein contained shall deprive an executor, administrator, trustee or mortgagee who has not unreasonably instituted or carried on or resisted any proceedings of any right to costs out of a particular estate or fund to which he would otherwise be entitled:

Costs where  
cause tried  
by jury

Provided also that where any action, cause, matter or issue is tried with a jury the costs shall follow the event unless the judge by whom such action, cause, matter or issue is tried or the Court shall for good cause otherwise order. [E. 966.] No. 6 of 1893, s. 518.

Costs of  
issues

518. When issues in fact and law are raised upon a claim or counterclaim the costs of the several issues respectively both in law and fact shall unless otherwise ordered follow the event. No. 6 of 1893, s. 519.

Costs of  
advocate  
guardian *ad*  
*litem*

519. Where the Court or judge appoints an advocate to be guardian *ad litem* of an infant or person of unsound mind the Court or judge may direct that the costs to be incurred in the performance of the duties of such office shall be borne and paid by the parties or some one or more of the parties to the cause or matter in which such appointment is made or out of any fund in court in which such infant or person of unsound mind may be interested and may give directions for the repayment or allowance of costs as the justice and circumstances of the case may require. [E. 988.] No. 6 of 1893, s. 523.

## II.—*Security for Costs.*

Summons for  
security for  
costs

520. When the plaintiff in an action resides out of the Territories and in any other case where by the practice and procedure in England a defendant is entitled to security for costs and the defendant by affidavit of himself or his agent alleges that he has a good defence on the merits to the action the defendant shall be entitled to a summons to show cause why an order should not issue requiring the plaintiff within three months (or such other or further time as the Court or judge may deem right) from the service of the order to give security for the defendant's costs and staying all further proceedings in the meantime and directing that in default of such security being given the action be dismissed with costs unless the Court or judge on special application for that purpose shall otherwise order. No. 6 of 1893, s. 520; No. 6 of 1897, s. 1 (69).

Time and  
manner of  
giving security

521. In any cause or matter in which security for costs is required the security shall be of such amount and be given at such times and in such manner and form as the Court or judge may direct. [E. 981.] No. 6 of 1893, s. 521.

Obligee where  
bond given

522. Where a bond is given as security for costs it shall unless the Court or judge shall otherwise direct be given to the party or person requiring the security and not to an officer of the court. [E. 982.] No. 6 of 1893, s. 522.

### III.—*Taxation and Tariffs of Costs.*

523. In all cases and proceedings as also upon interlocutory applications where a party becomes entitled to costs from any other party the same shall be taxed by the clerk in accordance with the authorised tariffs unless the Court or judge by order directs the payment of a sum in gross in lieu of taxed costs and by and to whom such sum in gross shall be paid. No. 6 of 1893, s. 524. Taxation of costs unless lump sum ordered

524. There shall be paid to each sheriff and clerk the fees prescribed by the judges of the Supreme Court; and for any necessary services performed for which fees are not so prescribed, such fees as may be authorised by the judge. No. 6 of 1893 s. 525; No. 5 of 1894, s. 19. Sheriff's and clerks' fees

525. If in any case it shall appear to the Court or a judge that costs have been improperly or without any reasonable cause incurred or that by reason of any undue delay in proceeding under any judgment or order or of any misconduct or default of the advocate any costs properly incurred have nevertheless proved fruitless to the person incurring the same the Court or judge may call on the advocate of the person by whom such costs have been so incurred to show cause why such costs should not be disallowed as between the advocate and his client and also (if the circumstances of the case shall require) why the advocate should not pay to his client any costs which the client may have been ordered to pay to any other person and thereupon may make such order as the justice of the case may require. No. 6 of 1893, s. 526. Cases where advocate may be deprived of or ordered to pay costs

526. One day's notice of taxing costs together with a copy of the bill of costs and affidavit of increase if any shall be given by the advocate of the party whose costs are to be taxed to the other party or his advocate in all cases where a notice to tax is necessary. No. 6 of 1893, s. 527. Notice of taxation

527. Notice of taxing costs shall not be necessary in any case where the defendant has not appeared in person or by his advocate or guardian. No. 6 of 1893, s. 528. Unnecessary if defendant not appeared

528. Any party who may be dissatisfied with the allowance or disallowance by the clerk in any bill of costs taxed by him of the whole or any part of the item or items may on two days' notice to the opposite party specifying the item or items objected to apply to a judge in chambers to review the taxation. No. 6 of 1893, s. 529. Application for review of taxation

529. Such application shall be heard and determined by the judge upon the evidence which shall have been brought in before the clerk and no further evidence shall be received unless the judge shall otherwise direct. No. 6 of 1893, s. 530. Evidence on review

530. A copy of the tariff of clerk's and sheriff's fees shall be Tariffs to  
19½ 291

be posted posted in some conspicuous place in the clerk's and sheriff's offices respectively. No. 6 of 1893, s. 531.

Witnesses',  
jurors' and  
interpreters'  
fees 531. Witnesses, jurors and interpreters and parties shall be entitled to the fees and remuneration named in the *Tariff of witnesses, jurors, and interpreters' fees* appended to this Ordinance. No. 6 of 1893, s. 532.

Fees payable  
in advance 532. All fees and allowances respectively payable under the said tariffs whether under writs of execution or otherwise shall be paid in advance by the parties at whose instance the service is to be rendered but in cases where the amounts are impossible of ascertainment for any reason then the amount approximated by the officer or fixed by the judge shall be deposited or paid to be accounted for when the correct amount is ascertained. No. 6 of 1893, s. 533; No. 5 of 1894, s. 20.

Advocates'  
fees 533. In all causes and matters in which duly enrolled advocates holding certificates as such and resident in the Territories are employed they shall be entitled to charge and be allowed such fees as may be from time to time prescribed by the judges of the Supreme Court. No. 6 of 1893, s. 534.

Fees in court  
*en banc* 534. The Court *en banc* may by order regulate fees for services performed by the registrar and other officers of the court as also fees to counsel and advocates practising therein. No. 6 of 1893, s. 535.

## ORDER XLIII.

### MISCELLANEOUS.

#### I.—Forms.

Forms 535. The forms contained in the schedule to this Ordinance shall be used with such variations as circumstances may require; and as to all other matters the forms used in the administration of civil justice in England with such variations as will make them respectively applicable to proceedings in the Supreme Court of the Territories whether *en banc* or otherwise may be used. No. 6 of 1893, s. 537.

#### II.—Actions against Public Officers.

Venue 536. All actions and prosecutions to be commenced against any person for anything purporting to be done in pursuance of his duty as a public officer (unless otherwise ordered by the judge) shall be commenced and tried in the district wherein the act was committed and must be commenced within six months after the act was committed and not otherwise and notice in writing of such action and of the cause thereof must be given to the defendant one month at least before the commencement of the action. No. 6 of 1893, s. 538.

### III.—*Ex parte Proceedings; Noncompliance; and Irregularities.*

537. In case of *ex parte* proceedings the judge may refuse to proceed *ex parte* and may direct such notice to be given by summons or otherwise to such party or parties as he may deem fit. No. 6 of 1897, s. 1 (70). *Ex parte* proceedings Notice may be required

538. Non-compliance with any of the provisions of this Ordinance shall not render any proceedings void unless the Court or a judge shall direct but such proceedings may be set aside either wholly or in part as irregular or amended or otherwise dealt with in such manner and upon such terms as the Court or judge may think fit. [E. 1037.] No. 6 of 1893, s. 540. Non-compliance, effect of

539. No application to set aside any proceeding for irregularity shall be allowed unless made within reasonable time nor if the party applying has taken any fresh step after knowledge of the irregularity. [E. 1038.] No. 6 of 1893, s. 541. Waiver of irregularity

540. When an application is made to set aside proceedings for irregularity the several objections intended to be insisted upon shall be stated in the summons or notice of motion. [E. 1039.] No. 6 of 1893, s. 542. Grounds of irregularity to be stated

541. When a summons is taken out to set aside any process or proceeding for irregularity with costs and the summons is dismissed generally without any special direction as to costs it is to be understood as dismissed with costs. [E. 1040.] No. 6 of 1893, s. 543. Costs of summons

### IV.—*Alias Writs.*

542. The expiry of any writs or process without service or execution shall not abate the suit but the suit may be continued by the issue of *alias* or *pluries* writs or process as may be necessary. No. 6 of 1893, s. 544; No. 5 of 1894, s. 22. Expiry of process Alias or pluries

### V.—*Sittings Adjourned.*

543. Whenever from illness or other cause the judge who should hold a sitting of the court fails to attend at the time appointed therefor the clerk at three o'clock in the afternoon of the day so appointed shall adjourn such sitting by proclamation to some hour on the following day to be by him named and so on from day to day (but not exceeding three days) until the judge who is to hold such sitting as aforesaid is able to hold the same or until he receives other directions from such judge; but if after the expiration of the said period of three days the said judge has not arrived or be still unable to attend, the clerk shall unless he be otherwise directed adjourn the court to the next regular sitting of the same and report his action thereon to the Lieutenant Governor. No. 6 of 1893, s. 550. Judge unable to attend sittings of court Clerk's duties

VI.—*Time for Service.*

Hours for service of pleadings, etc. 544. Service of pleadings, notices, summonses, orders, rules and other proceedings except writs of summons, attachment and replevin shall be effected before six o'clock in the afternoon; service effected after six o'clock in the afternoon shall for the purpose of computing any period of time subsequent to such service be deemed to have been effected on the following day and if effected on Saturday, the following Monday. [E. 971.] No. 6 of 1893, s. 551.

Reckoning number of days 545. In any case in which any number of days not expressed to be clear days is prescribed in this Ordinance the same shall be reckoned exclusively of the first and inclusively of the last day. [E. 972.] No. 6 of 1893, s. 552.

Where time limited under six days holidays excluded 546. Where any limited time less than six days from or after any date or event is appointed or allowed for doing any act or taking any proceeding the days on which the offices are closed under the provisions of this Ordinance and the rules of court shall not be reckoned in the computation of such limited time. [E. 962.] No. 6 of 1893, s. 553.

Time expiring on holiday 547. Where the time for doing any act or taking any proceeding expires on a Sunday or other day on which the offices are closed and by reason thereof such act or proceeding cannot be done or taken on that day such act or proceeding shall so far as regards the time of doing or taking the same be held to be duly done or taken if done or taken on the day on which the offices shall next be open. [E. 963.] No. 6 of 1893, s. 554.

Enlargement or abridgement of time 548. The Court or a judge shall have power to enlarge or abridge the time appointed by this Ordinance or the rules of court or fixed by any order enlarging time for doing any act or taking any proceeding upon such terms if any as the justice of the case may require and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed. No. 6 of 1893, s. 555.

VII.—*Vacation.*

Period of vacation 549. There shall be a vacation to extend from the first day of August to the thirtieth day of September inclusive of both days in each year. During vacation no contested business shall be transacted and neither party to a suit in which an appearance has been entered shall be compelled to deliver any pleading. If the time for delivering a defence in a cause in which the defendant has appeared has not expired previous to the first day of August it shall without any order to that effect stand extended until the expiration of five days after the last day of vacation:

Proviso Provided that notice of motion to set down for trial may be given and heard during vacation. No. 6 of 1893, s. 558; No. 7 of 1895, s. 8; No. 6 of 1897, s. 1 (71).



550. Nothing in the preceding rule contained shall prevent <sup>Exceptions</sup> the issue of process or the transaction of any business which may be done *ex parte* or the entering of judgment by default in any suit in which no appearance is entered or the taxation of costs or interfere with the hearing during vacation of any cause or matter if a judge so directs nor shall this rule affect the validity of any proceedings had or taken during vacation by order of the Court or a judge authorising such proceedings to be had or taken notwithstanding the vacation. No. 6 of 1893, s. 559; No. 5 of 1894, s. 23.

## Part II.

### Lunatics, Infants and Probate.

#### ORDER XLIV.

##### LUNATICS.

Petition  
to judge  
Verification

551. Proceedings in lunacy shall be by petition to the judge filed with the clerk of the court for that purpose verified on oath setting forth the grounds on which the application is made and the relation or connection of the petitioner to or with the alleged lunatic and his property and estate as also a description and value of the same separating real and personal estate. No. 6 of 1893, s. 426.

Hearing of  
petition

552. Upon presentation of such petition the judge shall appoint a time and place at which he will hear the same ; at which time and place (all necessary parties having been duly notified) the judge shall inquire into the facts and hear such evidence under oath as may be adduced and thereupon determine whether or not the person who is the subject of the inquiry is at the time of such inquiry of unsound mind, has property and is incapable of managing such property. No. 6 of 1893, s. 427.

Service on  
lunatic

553. A copy of such petition and notice of the intended application shall be served on the alleged lunatic unless such service be dispensed with by the judge. No. 6 of 1893, s. 428.

Commission to  
take evidence

554. The judge may order the issue of a commission to take evidence to be used on any such hearing as in any ordinary suit in court and all depositions taken thereunder shall be received in evidence at the hearing saving all just exceptions. No. 6 of 1893, s. 429.

Appointment  
of guardian

555. In case the judge shall determine such person to be a lunatic and that he has property the judge shall forthwith order the appointment under the seal of the court of one or more persons as guardian or guardians to his estate. No. 6 of 1893, s. 430.

Examination  
of lunatic

556. On every such inquiry the alleged lunatic if he be within the jurisdiction of the court shall be produced and examined by the judge unless such examination be dispensed with. No. 6 of 1893, s. 431.

Costs

557. The judge may order the costs, charges and expenses of and incidental to proceedings in matters of lunacy to be paid either by the party presenting the petition or the party opposing the same (if opposition is made) or out of the estate or partly one way and partly the other. No. 6 of 1893, s. 432.

558. In every case unless otherwise specially provided by order of the judge the following provisions shall be complied with :

1. The guardian of the estate shall before receiving his appointment furnish his own bond together with those of two or more persons approved of by the judge as sureties in double the approximate value of the personal estate and of the annual value of the real estate for duly accounting for the same once in each year or oftener if required by the judge or Court such bond to be (in form approved of by the judge) to the clerk of the court and his successors in office or legal assigns, which bond shall be filed in court ; Security by guardian

2. The guardian of the estate shall within six months after appointment file in court a true inventory of the whole real and personal property and estate of the lunatic stating the income and profits thereof and setting forth the debts, credits and effects of the lunatic so far as the same have come to the knowledge of the guardian ; Inventory

3. If any property belonging to the estate be discovered after the filing of the inventory the guardian shall file a true account of the same from time to time as the same is discovered ; Supplementary inventory

4. Every inventory shall be verified by the oath of the guardian. No. 6 of 1893, s. 433. Verification

559. Whenever the personal estate of a lunatic is not sufficient for the discharge of his debts,— Where personal estate insufficient for debts

1. The guardian of his estate may apply by petition to the judge for authority to mortgage or sell so much of the real estate as may be necessary for the payment of such debts ; Petition for realisation on realty

2. Such petition shall set forth the particulars and amount of such estate (real and personal) of the lunatic, the application made of any personal estate, and an account of the debts and demands against the estate ;

3. The judge shall make or cause to be made inquiries into the truth of the representations made in the petition and hear all parties interested in the real estate ; Inquiry by judge

4. If the judge is satisfied as to the result of such inquiries, that the personal estate is not sufficient for the payment of the debts and that the same has been applied to that purpose as far as the circumstances of the case render proper the judge may order the real estate or a sufficient portion of it to be mortgaged or sold by the guardian and the moneys thus raised shall be employed for the payment of the debts of the estate and if insufficient shall be distributed in the same way as intestates' estates are distributed by law the guardian having first provided a bond with sureties similar in terms to that provided by paragraph (1) of rule 558 for duly accounting for the proceeds so raised. No. 6 of 1893, s. 434. Order for sale or mortgage

560. When the personal estate and the rents, profits and income of the real estate of the lunatic are insufficient for his Sale or mortgage of real estate for

maintenance  
of lunatic or  
family

maintenance or that of his family or for the proper education of his children or when for any other cause it shall appear desirable so to do on application made by the guardian or by any member of the family of the insane person the judge may after inquiry as hereinbefore provided in the case of debts order the mortgaging or sale of the whole or part of the real estate of the lunatic by the guardian the guardian having first provided a bond with sureties as required by the preceding rule. No. 6 of 1893, s. 435.

Clerk's fees  
Costs

Guardian's  
remuneration

561. The judge may order such fees to the clerk of the court and costs of and relating to any petition, order, direction and conveyance including remuneration to the guardian as he may consider reasonable to be paid and raised from the lands, rents or personal estate of the lunatic in respect of whom the same may be respectively incurred, made or caused. No. 6 of 1893, s. 436.

Removal of  
guardian

562. On sufficient grounds shown the judge may remove a guardian and appoint another in his stead. No. 6 of 1893, s. 437.

Intituling  
proceedings

563. In the proceedings aforesaid the petitions and papers may be intituled as follows :

In the Supreme Court,

Judicial District of

In the matter of

No. 6 of 1893, s. 438.

## ORDER XLV.

### INFANTS.

#### I.—*Guardians.*

Guardianship  
of infants and  
their estates

Letters of  
appointment

564. The Court or a judge thereof may appoint guardians of infants and of their estates (but unless the Court or judge shall otherwise order no guardian shall be appointed to the person or estate of any infant of the age of fourteen years or over without the consent of such infant) and letters of appointment may be obtained as in the case of letters of administration. A record of every appointment and removal shall be made and the like record thereof kept with the papers upon which the appointment and removal is made in like manner as near as may be as in the case of probate and administration. No. 6 of 1893, s. 439.

Mother may  
be appointed  
notwithstand-  
ing other  
appointment  
by father

565. The Court or judge may upon hearing the petition of the mother of an infant whose father is dead appoint the mother or some other person to take the guardianship of the person of the infant notwithstanding any testamentary provisions to

the contrary or any appointment of another person as guardian by the father if it shall appear just and proper; and may also make an order for the maintenance of the infant by the payment out of any estate to which the infant is or shall be entitled of such sum or sums of money from time to time as according to the value of the estate such Court or judge thinks just and reasonable. No. 6 of 1893, s. 440.

566. The Court or judge may give effect to the testamentary appointment of guardians by the mother of infant children either as respects the person or estate or one or both notwithstanding the previous appointment of guardians by testament of the father of such infants upon petitions presented and facts proved, if it shall seem advisable and in the interest of the infants to do so; and make an order for the maintenance of the infants as in the last preceding rule mentioned. No. 6 of 1893, s. 441.

567. Testamentary guardians and trustees may be removed for proper cause the same as other guardians and trustees. No. 6 of 1893, s. 442.

568. In all matters and applications touching or relating to the appointment of guardians, control or removal of guardians of any infants and the security to be given by such guardians or otherwise, the Court or judge shall have full power and authority to summon and order the attendance of witnesses and to order the examination of the same before the Court or judge and to order the production of deeds, writings and documents and generally to enforce all orders, decrees and judgments in such manner as shall seem expedient according to the practice and procedure of the court in that behalf and in such manner as the Court or judge shall direct. No. 6 of 1893, s. 443.

569. Upon the written application of any infant or the friend or friends of any infant and upon notice thereof to the mother of such infant if living in the Territories the Court or judge may upon a proper case made out for that purpose appoint some suitable and discreet person or persons to be guardian or guardians of such infant. No. 6 of 1893, s. 444.

570. There shall be taken from the guardian or guardians appointed by the Court a bond in the name of the infant or infants in such penal sum and with or without sureties as the Court or judge shall direct or approve having regard to the circumstances of each case; and such bond shall be conditioned that the said guardian or guardians shall and will faithfully perform the said trust and that he or they, his or their executors or administrators shall and will when the said ward becomes of the full age of twenty-one years or whenever thereunto required by the Court or a judge render to his or their said ward or his or their executors or administrators a true and just account of all goods, moneys, interests, rents and profits of property of such ward which have come or which might but

for his or their default have come into the hands of such guardian or guardians and that he or they shall and will thereupon without any delay deliver and pay over to the said ward or to his or her executors or administrators the property or the sum or balance of money which may be in the hands of the said guardian or guardians belonging to such ward deducting therefrom and retaining a reasonable sum for the expenses and charges of the said guardian or guardians; and such bond shall be filed and recorded in the books in the office of the clerk of the court but in cases where the estate is of small value such bond or bonds may be dispensed with. No. 6 of 1893, s. 445.

May be  
dispensed with

Apprenticing  
infants

571. The guardian or guardians of the person of an infant so appointed may during the continuance of his or her guardianship in case the infant be under the age of fourteen years with the approbation of two justices of the peace and the consent of such ward or in case the infant be not under the age of fourteen years then with the consent of the ward only place or bind him or her an apprentice to any lawful trade, profession or employment; such apprenticeship in the case of males not extending beyond the age of twenty-one years and in the case of females not beyond the age of eighteen years or the marriage of the ward within that age. No. 6 of 1897, s. 1 (72).

Discharging  
apprenticeship

572. The Court or judge may on proper cause being shown for that purpose discharge any such ward from the apprenticeship in the last preceding rule mentioned and order the articles or instrument of apprenticeship to be delivered up to be cancelled or make such other order in respect of the master or apprentice or either of them as shall under the circumstances appear to be proper and just; and may also upon reasonable complaint made and sustained remove any guardian or guardians from his or their guardianship and if it shall appear necessary appoint another guardian or guardians in his or their stead. No. 6 of 1893, s. 447.

Removal of  
guardian

Practice and  
procedure

573. The practice and procedure in respect of guardianship and all questions relating thereto shall conform as nearly as the circumstances will admit to the practice and procedure in England:

Provided always that the Court or judge may in any case where the circumstances warrant it to save expenses vary the same. No. 6 of 1893, s. 448.

## II.—*Custody of Infants.*

Order for  
access of  
mother

574. The Court or judge upon application by the mother of any infant being in the sole custody or control of the father thereof or of any other person by his authority or of any other person without his authority or of any guardian after the death of the father may make an order for the access of the mother to such infant at such times and subject to such regulations as the Court or judge thinks convenient and just; and if such infant be within the age of twelve years may make an order for

Delivery to  
mother

the delivery of such infant into the custody and control of the mother and there to remain for such time and under such conditions as the Court or judge shall prescribe; and in dealing with any such application the Court or judge may also make an order for the maintenance and education of such infant by payment by the father thereof or by payment out of any estate to which such infant may be entitled of such sum or sums of money from time to time as according to the pecuniary circumstances of such father or the value of such estate the Court or judge thinks just and reasonable. As a rule the father shall have the custody and control of his infant children but it shall be lawful for the Court or a judge on a proper case made for that purpose to order any infant child or children to be delivered into the sole custody and control of the mother on such conditions and subject to such regulations as the circumstances and facts of the case shall render proper, reasonable and just, wherever such child or children may be or under whatever authority or control they may have been placed, any law, usage or custom to the contrary notwithstanding. No. 6 of 1893, s. 449.

Maintenance  
and education

Custody of  
infants  
generally

575. On the investigation of the facts on any application mentioned in the preceding rule the Court or judge may enforce the attendance of any person before the Court or judge and take evidence under oath touching the matter of the application by rule or order made for that purpose and on failure of the person to attend for the purpose aforesaid, after notice of the rule or order in that behalf, the Court or judge may order that such person shall be committed for contempt of court or may decide such application on affidavits received and filed or to be received and filed or on the evidence taken *viva voce* and such affidavits. No. 6 of 1893, s. 450.

Evidence on  
application

576. All orders and rules made by a judge or by the Court under any of the preceding rules may in addition to all other remedies be enforced by the judge or by the Court (according as the same shall be made by a judge or the Court) by attachment or process for contempt. No. 6 of 1893, s. 451.

Enforcement  
of order

577. No order directing that the mother shall have the custody of or access to an infant shall be made in virtue of the preceding rules in favour of a mother against whom adultery has been established or to whom the custody or control of an infant could not be safely confided on account of improper conduct or habits of life. No. 6 of 1893, s. 452.

Mother  
unsuitable  
for care of  
infant

### III.—*Estate and Property of Infants.*

578. When an infant is seized or possessed of or entitled to any real estate in fee simple or for a term of years or otherwise howsoever in the Territories and the Court or judge is of opinion that a sale, lease or other disposition of the same or any part thereof is expedient, necessary or proper in the interest of the infant or for the maintenance or education of the infant or

Disposition of  
property of  
infant under  
order of court

that by reason of any part of the property being exposed to waste and dilapidation or to depreciation from any other cause satisfactory to the Court or judge, his interest requires or will be substantially promoted by such sale, lease or other disposition the Court or judge may order the sale, letting for a term of years or other disposition of such real estate or any part thereof to be made under the direction of the Court or judge or by the guardian of the infant or by any person appointed for the purpose in such manner and with such restrictions as may seem expedient and may order the infant to convey or demise or otherwise dispose of the estate as the Court or judge thinks proper. No. 6 of 1893, s. 453.

Application,  
by whom  
Consent of  
infant

579. The application shall be made in the name of the infant by his next friend or by his guardian but shall not be made without the consent of the infant if he is of the age of seven years or upwards. No. 6 of 1893, s. 454.

Execution of  
conveyance  
for infant

580. When the Court or judge deems it convenient that a conveyance should be executed by some person in the place of the infant the Court or judge may direct some other person in the place of the infant to convey the estate. No. 6 of 1893, s. 455.

Conveyance to  
be effectual

581. Every such conveyance whether executed by the infant or some person appointed to execute the same in his place shall be as effectual as if the infant had executed the same and had been of the age of twenty-one years at the time. No. 6 of 1893, s. 456.

Disposition of  
moneys raised

582. The moneys arising from any such sale, lease or other disposition shall be laid out, applied and disposed of in such manner as the Court or judge directs. No. 6 of 1893, s. 457.

Moneys raised  
from land to  
devolve as land

583. On any sale, lease or other disposition so made the moneys so raised or the securities taken or the surplus thereof shall be of the same nature and character as the estate sold or disposed of and the heirs, next of kin or other representatives of the infant shall have the like interest in any surplus which may remain of the proceeds at the decease of the infant as they would in the estate sold or disposed of if no sale or other disposition had been made thereof. No. 6 of 1893, s. 458.

Incumbered  
estate  
Acceptance or  
permanent  
investment of  
sum in lieu of  
incumbrance

584. If any real estate of an infant is subject to any incumbrance and the person entitled to such incumbrance consents in writing to accept in lieu of such incumbrance any gross sum of money which the Court or judge thinks reasonable or the permanent investment of a reasonable sum of money in such manner that the interest thereof be made payable to the person entitled to such incumbrance during her or his life the Court or judge may direct the payment of such sum or the investment of such other sum of money out of the proceeds or other disposition of the real estate of the infant :

Where  
incumbrance

Provided always that it shall be competent for the Court or judge in any case where the estate of the infant is subject to



any lien or incumbrance of uncertain duration to compute the reasonable value of the same and to order the sale or other disposition of the estate of the infant freed or discharged from such incumbrance and direct the payment of the value of such incumbrance out of the proceeds of the sale or other disposition of the real estate of the infant. No. 6 of 1893, s. 459.

585. In any proceeding for the selling, letting or other disposition of the estate of an infant it shall not be necessary that the infant shall appear *in propria persona* before the Court or judge unless so ordered; but the ground of the proceedings must be made out to the satisfaction of the Court or judge before the application is granted. No. 6 of 1893, s. 460.

586. In case of any sale or other disposition of any real estate of an infant under the provisions of these rules the interest and estate sold or otherwise disposed of may be conveyed to the purchaser by the vesting order of the court which shall be to all intents and purposes as effectual to pass the interest and estate so sold or disposed of as a conveyance duly executed as provided in these rules. No. 6 of 1893, s. 461.

## ORDER XLVI.

### PROBATE AND LETTERS OF ADMINISTRATION.

587. The grant of probate of wills or letters of administration shall be made by the court in the judicial district in which the testator or intestate was residing at the time of his death or in case of death outside the Territories the district within which the testator or intestate had at his death any property; and shall have effect over the estate of the deceased in all parts of the said Territories. No. 6 of 1893, s. 462.

588. Every person to whom letters of administration or guardianship are committed shall give a bond or bonds to the judge granting the same with one or more sureties as may be required by the said judge in such form and in such penalty as he may direct or in cases where the estate to be administered is of small value such bond or bonds may be dispensed with. Such security may be furnished by bond or agreement of any guarantee company approved by the judge.

(2) If in any case it is in the interests of the estate of a deceased person that the same be forthwith administered or that some one other than the personal representative be appointed to administer the estate the judge may on application with such notice if any as he may direct appoint as administrator the public administrator or such other person as he deems proper and may in making such appointment dispense with the giving of security. No. 6 of 1893, s. 464; No. 7 of 1895, s. 5; No. 6 of 1897, s. 1 (73); No. 12 of 1898, s. 21.

Proceeding

589. Any person interested in the estate may by leave of the Court or judge institute proceedings in his own name on the bond or bonds without an assignment thereof to him. No. 6 of 1893, s. 465.

Ancillary probate or letters of administration

590. Where any probate or letters of administration or other legal document purporting to be of the same nature or an exemplification thereof granted by a court of competent jurisdiction in the United Kingdom or in any Province or Territory of the Dominion or in any other British Province is produced to and a copy thereof deposited with the clerk of the Supreme Court of the North-West Territories for any judicial district within the said Territories and the prescribed fees are paid as on a grant of probate or administration the probate or letters of administration or other document aforesaid shall under the direction of a judge of the said Supreme Court be sealed by the said clerk with the seal of the Supreme Court of the North-West Territories for the judicial district for which the said clerk is appointed and shall thereupon be of the like force and effect in the Territories as if the same had been originally granted by the said Supreme Court and shall be subject to any order of the last mentioned court or any appeal therefrom as if the probate or letters of administration had been granted thereby.

Security on issue of ancillary probate, etc.

(2) The letters of administration shall not be sealed with the seal of the Supreme Court until a certificate has been filed under the hand of the registrar, clerk or other officer of the court wherever the same issued that security has been given in a sum sufficient to cover as well the assets within the jurisdiction of the said court as the assets within the Territories or in the absence of such certificate until security is given to the judge as in the case of granting original letters of administration. No. 6 of 1893, ss. 466 and 467.

Proceedings before probate to restrain waste

591. Before probate of a will or letters of administration of the personal estate and effects of a deceased person have been granted any person may institute proceedings to restrain any one committing waste by dealing or intermeddling with the estate. When such proceedings have been taken in good faith for the preservation of the property the party instituting such proceedings shall be entitled to costs of the action unless the Court or judge shall otherwise order. No. 6 of 1893, s. 468.

Administrator *ad litem*

592. Where no probate of the will of a deceased person or letters of administration to his estate have been granted and representation of such estate is required in any action or proceeding in court the judge may appoint the public administrator administrator *ad litem* according as the case may require. No. 6 of 1893, s. 469; No. 6 of 1897, s. 22; No. 12 of 1898, s. 30 (6).

Direction of citations, summonses, etc.

593. Citations, summonses or notices issued by the court or judge in the exercise of probate jurisdiction may in the discretion of the judge instead of being directed to any person or persons by name be directed generally to the next of kin, creditors

and other persons interested in the estate. No. 6 of 1897, s. 1 (74).

594. All citations, summonses or notices issued by the court or judge in the exercise of probate jurisdiction may by order of a judge be published in such newspaper or newspapers published in the Territories as such judge may direct and for such time as he may direct and in that case no other notice or service thereof shall be necessary unless the judge shall otherwise direct. No. 6 of 1893, s. 226. Newspaper publication of citations, etc.

595. A judge may on the application of any executor or administrator or of any trustee grant an order for creditors and others to send in to the executor, administrator or trustee claims against the estate of the testator, intestate or the trust estate as the case may be together with a statement of the securities if any held by them within such time as the judge may fix and notice of such order shall be published in such newspaper or newspapers as the judge may direct and the executor or administrator on the same being so published may at the expiration of the time so fixed be at liberty to distribute the assets of the testator or intestate or any part thereof and the trustee may in like manner be at liberty to distribute the trust estate or any part thereof amongst the parties entitled thereto having regard to the claims of which such executor, administrator or trustee has then notice and shall not be liable for the assets or any part thereof or the trust estate or any part thereof as the case may be so distributed to any person of whose claim such executor, administrator or trustee shall not have had notice at the time of the distribution of the said assets or trust estate or part thereof as the case may be but nothing in this rule shall prejudice the right of any creditor or claimant to follow the assets or trust estate or any part thereof into the hands of the person or persons who may have received the same respectively. No. 6 of 1893, s. 227; No. 6 of 1897, s. 1 (31, 75). Order for creditors to send in claims  
Publication  
Distribution of estate thereafter

596. Every creditor or other person presenting or sending in a claim to any executor, administrator or trustee shall verify the same by a statutory declaration and shall therein state whether he holds any security for his claim or any part thereof and shall give full particulars of the same; and if such security is on the estate of the debtor or on the estate of a third party for whom such debtor is only secondarily liable he shall put a specified value thereon and the executor, administrator or trustee may either consent to the right of the creditor or person presenting the claim to rank for the claim after deducting such valuation or he may require from the person presenting the claim an assignment of the security at the specified value to be paid out of the trust property or estate when sufficient is realised therefrom and in such case the difference between the value at which the security is retained by the executor, administrator or trustee and the just amount of the gross claim shall be the amount for which the creditor or other person shall rank in respect of the estate. Verification of claims  
Security to be valued

Security  
consisting of  
negotiable  
instruments

(2) If a creditor or other person holds a claim based upon negotiable instruments upon which the debtor is only indirectly or secondarily liable and which is not mature or exigible such creditor or other person shall be considered to hold security within the meaning of this rule and shall put a value on the liability of the party primarily liable thereon as being his security for the payment thereof but after the maturity of such liability and its non-payment he shall be entitled to amend and revalue his claim.

Omission to  
value security

(3) In case a person presenting a claim holds security for his claim or any part thereof and he fails to value such security as required by this Ordinance a judge of the Supreme Court sitting in chambers may on summary application by the executor, administrator or trustee or by any other person interested in the trust property or estate, of which application three days' notice shall be given to such claimant, order that unless a specified value shall be placed upon such security and notified in writing to the executor, administrator or trustee within a time to be limited by the order such claimant shall in respect of the claim or the part thereof for which the security is held be wholly barred of any right to share in the proceeds of such trust property or estate; and if a specified value is not placed on such security and notified in writing to the executor, administrator or trustee according to the exigency of such order the said claim or the said part as the case may be shall be wholly barred as against such trust property or estate. No. 12 of 1898, s. 11.

Administra-  
tors to file  
accounts

597. Every administrator to whom letters of administration have been issued more than two years prior to the coming into force of this Ordinance shall forthwith and every administrator since or hereafter appointed shall within two years after the grant of letters of administration or such further time as the Court or judge may allow file in the office of the clerk of the Supreme Court in the district wherein the grant was made a statement and an account verified by his oath showing his administration of the estate and apply to the judge usually exercising jurisdiction in such district to have his accounts

Application to  
pass accounts

passed and allowed whereupon a summons may be issued calling upon the creditors, next of kin and all persons interested in the estate to attend the passing of the accounts. Any moneys remaining in the hands of the administrator after payment of legal charges thereon and such remuneration for his services as administrator as the judge may allow shall be paid into court. On the final winding up of the estate the judge may order the administration bond to be cancelled and the administrator and the sureties discharged.

Cancellation  
of bond

Undisposed of  
moneys

(4) Any money paid into court under the provisions of this rule shall after deducting such charges and fees for services rendered in connection therewith as the judge may allow be transferred over to the general revenue fund of the Territories. No. 7 of 1895, s. 14; No. 21 of 1896, s. 21 (2); No. 6 of 1897, s. 1 (77); No. 12 of 1898, s. 30 (5).

598. The public administrator may obtain an originating summons as plaintiff under rule 481 of this Ordinance as if he were a creditor or one of the next of kin of the deceased, upon obtaining special leave of a judge to do so, which leave shall be granted by the judge *ex parte* upon his being satisfied by affidavit or otherwise that it is expedient to grant it. No. 6 of 1897, s. 25.

599. Whenever an action is brought or is pending in respect of any property or estate in which one or more infants is or are interested the writ and statement of claim shall be served on the public administrator in the judicial district in which the writ was issued together with a statement giving the full name, age and address of such infant or infants, his or their father, mother or guardian; and the public administrator shall be the guardian *ad litem* and shall enter an appearance for such infant or infants and shall for all purposes represent the infant or infants in such action.

(2) It shall be the duty of the public administrator to make all necessary or proper inquiries, to take all necessary or proper proceedings and to protect and actively attend to the interests of the infant.

(3) The costs of the guardian *ad litem* shall be taxed as between party and party and shall, subject to the discretion of the judge, generally be paid out of the estate. No. 6 of 1897, s. 28.

600. In any case in which it may appear desirable the court or judge may appoint the public administrator guardian of the estate of any infant or of the estate of any lunatic. No. 6 of 1897, s. 29.

601. The public administrators and all other executors and administrators shall be entitled to such remuneration for their services (in addition to the costs of the grant of the probate or administration) as the judge may allow, to be charged against and deducted from the estate passing through their hands or to be paid by the successor of the public administrator out of the assets of the deceased; and such remuneration shall be a first charge on the estate after payment of the costs of probate or administration, funeral and testamentary expenses. No. 6 of 1897, s. 24.

## Part III.

### Small Debt Procedure.

#### ORDER XLVII.

Claims for  
debt under  
\$100

602. In all claims and demands for debt, whether payable in money or otherwise, where the amount or balance claimed does not exceed \$100 the procedure shall, unless otherwise ordered or allowed by a judge, be as follows: No. 5 of 1894, s. 27; No. 21 of 1896, s. 20.

Entry of  
action

Particulars  
of claim

603. Every plaintiff when he enters an action with the clerk shall do so by leaving with him (by post or otherwise) a simple statement in writing (with a copy to file and one for each copy of writ desired) of the cause of action; in the case of an account the particulars may be in the usual form of items of an account or otherwise; in the case of a bill, note or order a copy thereof shall be furnished and in the case of a claim under any other written instrument a copy shall be furnished or a concise statement of the purport or effect of it shall be given to the extent of exhibiting the grounds of action so that in each case it may be known or understood by a person of ordinary intelligence what the action is brought for and the clerk shall attach such statement to the summons and shall attach to each copy of the summons a copy of such statement. No. 5 of 1894, s. 28; No. 7 of 1895, s. 11.

Address  
of parties

604. The plaintiff shall also at the time he so delivers his statement to the clerk inform him of his post office address and of the full name of the defendant where practicable and also of his place of residence and post office address with as much certainty and particularity as possible. No. 5 of 1894, s. 29.

Issue of  
summons

605. Upon receipt of such claim and upon payment of the proper fees therefor the clerk shall enter such claim in the procedure book to be kept by him for that purpose and shall issue a summons corresponding in substance with form H in the schedule hereto where the cause of action is within rule 610 hereof and with the form J in the schedule hereto where the cause of action is not within the said rule and shall make out as many copies of the said summons as there are defendants. No. 5 of 1894, s. 30.

Delivery of  
summons

606. Upon the issue of the said summons the clerk shall deliver or transmit the same and the copies thereof with the copies of claim attached thereto to the plaintiff or as he may direct and shall attach to the original summons as many copies of the affidavit of service in form K in the schedule hereto as there are defendants in the said suit. No. 5 of 1894, s. 31.

607. The summons shall be returnable—

1. Where the defendant resides in the judicial district from whence the summons issued, at the expiration of twenty days from the service thereof ; Time for return of summons

2. Where the defendant resides in any judicial district in the Territories other than that in which such summons issued, at the expiration of twenty-five days from the service thereof ;

3. Where the defendant resides in any place in Canada outside the Territories or in the United States of America, at the expiration of thirty days from the service thereof ;

4. Where the defendant resides in any part of the United Kingdom, at the expiration of thirty days from the service thereof ;

5. In any of the above cases it shall not be necessary to obtain an order for service out of the jurisdiction. No. 5 of 1894, s. 32.

608. After the service of the said summons upon the defendant the plaintiff shall forthwith cause it to be returned to the clerk accompanied by an affidavit of service thereof in the said form K. No. 5 of 1894, s. 33. Return to clerk after service

609. After the receipt of such summons with the affidavit of service thereof the clerk shall, after the expiration of the time limited therein for appearance thereto, notify the plaintiff or his advocate whether the defendant has or has not entered a dispute to the same. No. 5 of 1894, s. 34. Clerk to notify plaintiff if dispute entered

610. In actions where the claim or demand is a mere account or is ascertained by some instrument signed by the defendant as a merchant's account, the price of goods sold and delivered, a claim for work and services, money paid, money lent, rent, a promissory note, a bill, order, bond, covenant for the payment of money or other memorandum showing liability for the payment of a sum certain or which can be ascertained by computation and the defendant does not appear according to the writ of summons the clerk may upon the said summons being returned to him with an affidavit of the due service thereof, after the time for appearance has expired, sign judgment for the amount of the claim and costs against the defendant by entering in his procedure book the words "judgment against the defendant by default," stating the date of such entry and such entry shall be the judgment of the court in the cause and execution may issue and other lawful proceedings be taken thereon : Entry of judgment by default of dispute

Provided always it shall be competent for any judge on application by the person feeling himself aggrieved by any such judgment to set aside the said judgment and to let the defendant in to defend the said action, or to stay proceedings on such terms as to costs and otherwise as to him shall seem just. No. 5 of 1894, s. 35. Execution Setting aside judgment

Notice of  
dispute

611. If the defendant desires to defend any action or suit he must cause a written dispute note in form L in the schedule hereto to be delivered by post or otherwise to the clerk before the entry of judgment in which shall be stated briefly the nature or grounds of his defence and where a claim is disputed in part only he shall state what part thereof or the items he disputes.

(2) The defendant shall in his notice of dispute give his post office address. No. 5 of 1894, s. 36.

Setoff or  
counterclaim

612. A defendant in any action may set off or set up by way of counterclaim against the claim of the plaintiff any right or claim whether such set-off or counterclaim sound in damages or not; such set-off or counterclaim shall have the same effect as if such relief were sought in a cross-action so as to enable the court to pronounce a final judgment in the same action both on the original and on the cross-claim. No. 5 of 1894, s. 39.

Setting down  
for trial

613. After the filing by the defendant of his dispute note the clerk shall inform the judge that such dispute is so filed and the judge shall thereupon set the case down for trial in chambers or such other place as the judge may deem expedient and at such time as to him may seem expedient:

Striking out  
dispute, etc.

Provided however that this rule shall in no wise affect the right of the plaintiff to move to strike out the said dispute note and for judgment or in any way curtail the powers given under rule 620 hereof.

Representa-  
tion at trial

Provided further that either party may be represented on the trial in person by advocate or agent. No. 7 of 1895, s. 13; No. 21 of 1896, s. 21 (1).

Notice of trial

614. Upon the time and place of trial of an action being so fixed by the judge the clerk shall notify each party to appear for trial and that in default of appearance thereat judgment may be given against him by default with costs; such notice of the time and place fixed for such trial shall be forwarded by registered post to the respective addresses given by them:

Provided that if a defendant shall in his notice of dispute omit to state his post office address the notice to him shall be mailed to the address stated by the plaintiff as required by rule 604 hereof. No. 5 of 1894, s. 43.

Application  
for  
postponement  
or change of  
place of trial

615. At any time before the trial of the action either of the parties may on reasonable notice to the other party or at the trial without notice apply for a postponement of the trial or a change of the place fixed for the same and the judge may thereupon give such direction as to postponement or change of place of trial and as to costs as he may deem fit.

Service of  
notices, etc.

(2) All notices, summonses to show cause and orders required to be served upon any party to the action may, unless otherwise ordered by the judge, be served by mailing the same to him by registered post to the post office address given by him



to the clerk of the court under the provisions hereof or if no such address has been given to his last known post office address. No. 5 of 1894, s. 44.

616. Unless the judge shall otherwise order, in case any action falling within the class provided for in this order is brought under the general procedure and the plaintiff succeeds or in case in an action of debt brought under the general procedure to recover over \$100 the plaintiff recover less than that sum he shall recover only such costs as he would have recovered had the action been brought under the provisions of this order and the defendant in any such action shall be entitled to tax his costs of suit between advocate and client and so much thereof as exceeds the taxable costs of defence which would have been incurred had the proceedings been had under this order shall on entering judgment be set off and allowed by the clerk against the plaintiff's costs to be taxed or against the costs to be taxed and the amount of the judgment if it be necessary and if the amount of the costs so set off exceeds the amount of the plaintiff's judgment and taxed costs the defendant shall be entitled to judgment for the excess against the plaintiff. No. 5 of 1894, s. 45.

Suit erroneously brought under general procedure or recovery of less than \$100

Costs

617. In every case where an action is defended and an advocate is employed by the successful party the clerk in addition to all other costs shall unless otherwise ordered by the judge tax to the successful party an advocate's fee equal to ten per cent. of the amount of the judgment recovered if such fee is taxable to the plaintiff or equal to ten per cent. of the amount claimed by the plaintiff in the action if such fee is taxable to the defendant:

Advocate's fees

Provided that in no case shall the fee so taxable be less than \$1 and except as herein provided no other counsel or advocate fee shall be taxable or payable as between party and party. No. 5 of 1894, s. 46.

618. There shall be paid to the clerk or deputy clerk and sheriff or deputy sheriff respectively for their services in actions and suits within the provisions of this order the fees prescribed by the tariffs of clerk's and sheriff's fees in *The Small Debt Tariff* contained in the schedule hereto. No. 5 of 1894, s. 47.

Clerk's and sheriff's fees

619. Witnesses and interpreters in actions and suits within the provisions of this order shall be entitled to the fees and remuneration set forth in *The Small Debt Tariff* contained in the schedule hereto and such fees shall be taxable to or against the successful party as the case may be to the same extent as they are taxable in other cases under this Ordinance:

Witness and interpreter fees

Provided that the judge may in any case direct the taxation to either party of the reasonable costs and expenses of obtaining evidence by commission or otherwise. No. 5 of 1894, s. 48.

Cost of evidence by commission, etc.

620. Except as to the matters specially provided for in this order the procedure or practice under the preceding orders and

Adoption of general procedure

rules where not inconsistent herewith shall be adopted and applied in actions brought under this order. No. 5 of 1894, s. 49.

Præcipe and indorsement unnecessary

621. It shall not be necessary upon the commencement of any proceeding or the issue of any process in actions coming under the provisions of this order for any party to file a præcipe nor shall it be necessary to indorse upon any such process the name of the person by whom or on whose behalf the same was issued. No. 5 of 1894, s. 50.

Informalities

622. No proceedings under this order shall be deemed invalid for informality provided the same are a substantial compliance with the requirements of this order as to such proceeding. No. 5 of 1894, s. 51.

SCHEDULE.

FORM A.

(Rule 1.)

WRIT OF SUMMONS.

In the Supreme Court of the North-West Territories.  
Judicial District of

Between

of (*residence*)

Plaintiff,

and

of (*residence*)

Defendant.

VICTORIA, (*or name of the reigning Sovereign as the case may be*) by the Grace of GOD of the United Kingdom of Great Britain and Ireland, QUEEN (*or as the case may be*), Defender of the Faith, etc., etc., etc.

To the above named defendant :

You are notified that the plaintiff has entered an action against you in the above named court for the recovery of the claim or demand a statement of which is filed in court and annexed to this summons.

And you are commanded that if you dispute the said claim either in whole or in part you do within                      days from the service of this writ on you, exclusive of the day of such service, cause to be entered for you in the office of the clerk of this court an appearance and within six days thereafter file with the clerk a statement of the grounds on which such dispute is based.

And take notice that in default of your so doing the plaintiff may proceed in his said action and judgment may be given in your absence and without further notice to you.

Issued at

the

day of

A.D. 1

*I.J.*,

(L.S.)

Clerk of the Court.

## MEMORANDA TO BE INDORSED ON WRIT.

N.B.—This writ is to be served within twelve months from the date thereof; or if renewed within six months from the day of the last renewal including the day of such date and not afterwards.

This writ was issued by the plaintiff who resides at  
and (*if residence over three miles from the clerk's office*) whose  
“address for service” is at

Or, This writ was issued by \_\_\_\_\_ of  
advocate for the plaintiff whose “address for service” (*if the  
advocate's office is over three miles from the clerk's office*) is at

## FORM B.

(*Rule 355.*)

## WRIT OF EXECUTION.

In the Supreme Court of the North-West Territories.  
Judicial District of

Between

of

Plaintiff,

and

of

Defendant.

VICTORIA, (*or the name of the reigning Sovereign as the case  
may be*) by the Grace of GOD of the United Kingdom of  
Great Britain and Ireland, QUEEN (*or as the case may be*)  
Defender of the Faith, etc., etc., etc.

To the Sheriff of the

Judicial district;

You are commanded that of the goods (*or lands as the case  
may be*) of \_\_\_\_\_ in the \_\_\_\_\_ judicial  
district, you cause to be made \_\_\_\_\_ dollars and  
\_\_\_\_\_ cents which \_\_\_\_\_ lately  
by the judgment (*or order as the case may be*) of the said court  
recovered against him \_\_\_\_\_ and  
that you have the said money and in what manner you shall  
have executed this writ make appear to the said court at  
\_\_\_\_\_, immediately after the execution thereof  
before the said court at \_\_\_\_\_ together with this  
writ.

Issued at  
of

this  
A.D. 1 \_\_\_\_\_ .

day

(L.S.)

*I.J.*,  
Clerk of the Court.

## FORM C.

*(Rule 384.)*

## GARNISHEE SUMMONS.

In the Supreme Court of the North-West Territories,  
Judicial District of

Between

of

Plaintiff,

and

of

Defendant.

and

of

Garnishee.

To the above named Garnishee,

You are hereby notified that a suit has been entered in this court in which the plaintiff claims of the defendant the sum of \_\_\_\_\_ as shown by his statement of claim filed in court a copy of which is hereto annexed (*or* You are hereby notified that the plaintiff has recovered a judgment in this court against the defendant for \_\_\_\_\_) and it is alleged on affidavit filed that you are indebted to the said defendant.

And you are required within ten days from the service hereof to appear at the clerk's office and state in writing whether or not there is any debt due or accruing due from you to the defendant (*or* judgment debtor) and, if so, what debt and why you should not pay the same into court to the extent of the plaintiff's claim and costs.

Issued at \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. 1 \_\_\_\_\_.

(L.S.) \_\_\_\_\_ *I.J.*,  
Clerk of the Court.

*(To be indorsed same as a Writ of Summons.)*

## FORM D.

(Rule 417.)

## WRIT OF ATTACHMENT.

In the Supreme Court of the North-West Territories,  
Judicial District of

Between

of

Plaintiff,

and

of

Defendant.

VICTORIA, (*or the name of the reigning Sovereign as the case may be*) by the Grace of GOD of the United Kingdom of Great Britain and Ireland, QUEEN (*or as the case may be*), Defender of the Faith, etc., etc., etc.

To the Sheriff of the

Judicial district :

You are commanded to attach, seize and safely keep all the personal estate, credits and effects together with all evidences of title, debts, books and book accounts or other documents, vouchers or papers belonging thereto or otherwise of the above named defendant to secure and satisfy the plaintiff the sum of \_\_\_\_\_ with his costs of action and to satisfy the debt and demand of such other creditors of the said defendant as shall prosecute their claims to judgment and lodge executions with you the said sheriff within the time allowed by *The Creditors' Relief Ordinance* to entitle them to share in the distribution of the proceeds.

And we command you the said sheriff that so soon as you shall have executed this writ you do return the same with an affidavit of service and a certificate of your action thereunder.

Issued at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1 \_\_\_\_\_

I.J.,

(L.S.)

Clerk of the Court.

## FORM E.

(Rule 426.)

## WRIT OF REPLEVIN.

In the Supreme Court of the North-West Territories,  
Judicial District of

Between

of

Plaintiff,

and

of

Defendant.

VICTORIA, (*or the name of the reigning Sovereign as the case may be*) by the Grace of GOD of the United Kingdom of Great Britain and Ireland, QUEEN (*or as the case may be*), Defender of the Faith, etc., etc., etc.



FORM G.

(Rule 470.)

ORIGINATING SUMMONS.

In the Supreme Court of the North-West Territories,  
Judicial District of

(Here insert style of cause or matter.)

Let all parties concerned attend at judge's chambers at  
in on the  
day of on the hearing of an application on the part of  
that (here set out the object of the application.)

If you do not attend either in person or by your advocate at  
the time and place above mentioned such order will be made in  
your absence as may seem just and expedient.

(Seal of Court.) K.L.,  
J. S. C.

This summons was taken out by  
advocate for the applicant.

TARIFF OF WITNESSES', JURORS' AND INTERPRETERS' FEES.

(Rule 511.)

Witnesses and jurors may be allowed the following fees:

|   |         |
|---|---------|
| For every day necessarily absent from residence, in going to, staying at and returning from trial or other proceeding |         |
| When residence is within two miles of place of trial  | \$ 1 00 |
| When over two miles   | 2 00    |
| For every mile necessarily travelled by other means than railway  | 10      |
| When railway used, actual fare paid.  |         |
| Professional men, when acting professionally in addition to mileage as other witnesses, per day                       | 5 00    |

INTERPRETERS.

|  |                |
|--|----------------|
| Interpreters may when used be allowed the same mileage as witnesses and for each day actually engaged as interpreters. | 2 00           |
|  | No. 6 of 1893. |

## FORM H.

(Rule 605.)

## SMALL DEBT SUMMONS A.

In the Supreme Court of the North-West Territories,  
Judicial District of

Between

of

Plaintiff,

and

of

Defendant.

To *C.D.*, the above named defendant:

The Plaintiff demands of you \$ , as shown by his  
claim hereto attached or indorsed hereon.

You are notified that this summons is returnable on the  
day after the day of the service thereof upon  
you. If you dispute the claim or any part thereof you are to  
leave with the clerk of this court at in  
said judicial district within days after the said  
service upon you the dispute note hereto attached or one to the  
like effect otherwise after such return day has passed the  
clerk may sign judgment against you by default  
for the plaintiff's claim and costs but in case you give or send  
by mail or otherwise said dispute note to the said  
clerk together with the sum of \$ for his fees and he  
receives the same within the said time the cause will be tried  
at a sittings of this court and you will receive due notice of the  
time and place of such trial by registered letter sent prepaid  
to the address given by you in said dispute note.

Dated the day of 1 .

By the Court,

('L.S.)

I.J.,  
Clerk.

## FORM J.

(Rule 605.)

## SMALL DEBT SUMMONS B.

In the Supreme Court of the North-West Territories.  
Judicial District of

Between

of

Plaintiff,

and

of

Defendant.

To *C.D.* the above named defendant.

Take notice that the plaintiff claims from you \$ as  
shown by his claim hereto attached or indorsed hereon.



If you dispute the same or any part thereof you are to leave with the clerk of this court at in said judicial district within days after the service hereof upon you the dispute note hereto attached or one to the like effect. In case you give or send by mail or otherwise the said dispute note to the said clerk together with the sum of \$ for his fees and he receives the same within the said time the cause will be tried at a sittings of this court and you will receive due notice of the time and place of such trial by registered letter sent prepaid to the address given by you in such dispute note.

If no such dispute note is filed the plaintiff's cause of action shall be deemed to be admitted and the amount the plaintiff is entitled to recover in respect thereof will be ascertained in such manner as a judge shall direct.

Dated the day of 1 .

By the Court,

*I.J.*,  
Clerk.

(L.S.)

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### FORM K.

(*Rule 606.*)

#### SMALL DEBT—AFFIDAVIT OF SERVICE.

In the Supreme Court of the North-West Territories,  
Judicial District of

Between

*A.B.*,  
Plaintiff,

and

*C.D.*,  
Defendant.

I, of (occupation)  
make oath and say:

1. That I did on the day of 1, personally serve *C.D.*, the above named defendant with a true copy of the summons herein hereunto annexed by delivering the said copy to and leaving the same with the said defendant at

2. That at the time of such service there was attached to the said copy of summons so served a true copy of the particulars of claim attached to or indorsed upon the said annexed summons.

3. That at the time of such service there was also attached to the said copy of summons a blank form entitled in this cause of which the form marked "L" is a true copy.

4. That to effect such service I necessarily travelled miles. (*Jurat.*)

FORM L.

(Rule 611.)

SMALL DEBT—DISPUTE NOTE.

In the Supreme Court of the North-West Territories.  
Judicial District of

Between

A.B.,  
Plaintiff,

and

C.D.,  
Defendant,

Take notice that I dispute the plaintiff's claim on the following grounds:—

*(Here state briefly the grounds of defence in such manner that the particular nature of the defence may readily be ascertained.)*

My post office address is :

C.D.,

N.B.—This note must be sent by mail or otherwise to the clerk of the Supreme Court at *(address to be filled in by clerk)* within *(address)* days from service.

SMALL DEBT TARIFF.

(Rules 618 and 619.)

CLERK'S FEES.

The following fees and no others shall be paid to clerks of the court for the several services under the Small Debt procedure herein provided for :

|   | cts. |
|---|------|
| Receiving claim, entering in procedure book and issuing summons . . . . .   | 75   |
| Garnishee summons or writ of attachment, including examining affidavits . . . . .                                     | 50   |
| Every original subpœna . . . . .  | 50   |
| Every copy of summons, garnishee or subpœna . . . . .   | 10   |
| Entering dispute note, or appearance by garnishee . . . . .   | 25   |
| On payment of money into court without dispute note . . . . .   | 25   |
| Every notice of trial . . . . .   | 20   |
| Hearing fee in contested cases . . . . .  | 50   |
| Every chamber summons or judge's order including entering . . . . .   | 25   |
| Every commission to examine witnesses or exemplification of judgment . . . . .  | 50   |
| Every appointment . . . . .   | 10   |
| Every search . . . . .  | 10   |
| Entering every judgment by default including search for dispute and taxation of costs and necessary filings . . . . . | 50   |

|  |    |
|--|----|
| Entering every judgment after trial or order for judgment      | 50 |
| Filing every exhibit at trial (no other filings to be allowed) | 10 |
| Every reference to the clerk, per hour actually engaged . .    | 75 |
| Every certificate . . . . .                                    | 25 |
| Every writ of execution . . . . .                              | 50 |
| Every renewal thereof . . . . .                                | 25 |
| Copies of documents, per folio . . . . .                       | 10 |
| Necessary postages.  |    |

#### SHERIFF'S FEES.

The following fees and no others shall be allowed to sheriffs, deputy sheriffs and bailiffs for services under the Small Debt procedure :

|   |       |
|---|-------|
| Service of summons or other process including affidavit of service, oath and return . . . . .   | \$ 50 |
| Every seizure . . . . .   | 50    |
| Schedule of goods seized, including copy for person whose goods seized . . . . .  | 75    |
| When over 500 words, per 100 over 500 . . . . .   | 10    |
| Every mile necessarily travelled one way to serve summons or process, or in going to effect seizure under an attachment or under execution where money made or settlement effected after levy, provided that there shall be only one allowance of mileage fees in and about a seizure and the sale consequent thereon . . . . . | 10    |
| Every bond including affidavits . . . . .   | 1 00  |
| Notice of sale . . . . .  | 30    |
| Each copy not exceeding five including posting up . . . .   | 10    |
| Notice of postponement including copies . . . . .   | 25    |
| All necessary disbursements for removal and care of property seized . . . . .   |       |
| For poundage on executions, five per cent., but not upon any sum greater than called for by the writ under which the officer acts.  |       |

#### WITNESS FEES.

In cases under Small Debt procedure—

|                               |         |
|-------------------------------|---------|
| Attendance, per day . . . . . | \$ 1 00 |
| Mileage, each way . . . . .   | 10      |

Where railway can conveniently be used witnesses shall only be allowed such sum as would be sufficient to pay railway fare in coming to and returning from place of trial in no case to exceed mileage at above rate.

#### INTERPRETERS.

In cases under Small Debt procedure—

|                            |        |
|----------------------------|--------|
| Per day employed . . . . . | \$2 00 |
|----------------------------|--------|

## CHAPTER 22.

### An Ordinance Respecting Clerks and Deputy Clerks.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### DEPUTY CLERKS.

Clerks of  
court to  
appoint  
deputies

1. The clerks of the Supreme Court of the North-West Territories for the Judicial Districts of Northern Alberta, Southern Alberta, Saskatchewan, Western Assiniboia and Eastern Assiniboia shall respectively appoint a deputy at Edmonton, Medicine Hat, Battleford, Moose Jaw and Yorkton and such deputy clerk shall have and perform the powers, duties and obligations hereinafter mentioned. No. 10 of 1895, s. 1.

#### DEPUTY CLERKS' DISTRICTS.

Districts of  
deputies

2. For the purposes hereinafter mentioned the respective districts of the said deputy clerks shall be as follows :

Edmonton

The district of the deputy clerk at Edmonton shall consist of all the district of Alberta lying north of township 42 ;

Medicine Hat

The district of the deputy clerk at Medicine Hat shall consist of all that portion of the provisional district of Assiniboia lying west of the line between ranges 23 and 24 west of the 3rd meridian ;

Battleford

The district of the deputy clerk at Battleford shall consist of that portion of the provisional district of Saskatchewan lying west of the line between Ranges 11 and 12 west of the 3rd meridian ;

Moose Jaw

The district of the deputy clerk at Moose Jaw shall consist of all that portion of the judicial district of Western Assiniboia lying west of the line between ranges 23 and 24 west of the 2nd meridian and east of the west line of the twenty-third range of townships west of the 3rd meridian ;

Yorkton

The district of the deputy clerk at Yorkton shall consist of all that portion of the judicial district of Eastern Assiniboia lying north of a line which may be described as follows : Commencing at the point where the line between townships twenty and twenty-one in the Dominion lands system of survey intersects the western boundary of the province of Manitoba ; thence westerly following the said line between townships twenty and twenty-one to its intersection with the line between ranges seven and eight west of the second initial meridian ; thence northerly along the line between the said ranges seven and eight to its intersection with the line between townships twenty-two and twenty-three ; thence westerly along the line between the said townships twenty-two and twenty-three to its intersection with

the line between ranges ten and eleven west of the second initial meridian in the Dominion lands system of survey. No. 10 of 1895, s. 2.

#### DEPUTY CLERKS' POWERS AND DUTIES.

**3.** All actions and other proceedings commenced in the office of any one of the said deputy clerks shall be carried on in the same office and in respect thereof such deputy clerk shall in all respects have and perform all the powers, duties and obligations of the clerk of the court for his judicial district; and such deputy clerks respectively shall have and use a duplicate of the seal of the court used by the clerks of their respective judicial districts and keep such books as are kept by the clerks.

Where action  
may be  
commenced  
Powers and  
duties of  
deputy  
Seal and books

(2) And in respect of the following matters:

- (a) Applications for letters probate or letters of administration where the deceased died within a deputy clerk's district or where the whole of the estate in respect whereof letters probate or letters of administration are applied for lies within a deputy clerk's district; Probate
- (b) Applications for the appointment of a guardian of the estate of an infant or a lunatic where the infant or the lunatic resides within the deputy clerk's district; Guardianship  
of persons
- (c) Applications for the appointment of a guardian of the estate of an infant or a lunatic where the infant or the lunatic resides within the deputy clerk's district; or where the whole of the estate to be affected lies within a deputy clerk's district; Guardianship  
of estates
- (d) Proceedings commenced by originating summons and proceedings originating by petition, notice of motion, or judge's summons where the advocate for the applicant resides in a deputy clerk's district; Proceedings  
commencing  
without writ

such deputy clerk shall and in applications of the character of those marked (a) and (c) where a part only of the property to be affected lies within a deputy clerks' district such deputy clerk may have and perform all the powers, duties and obligations of the clerk of his judicial district. No. 10 of 1895, ss. 3, 4; No. 13 of 1896, s. 1; No. 12 of 1898, s. 4.

**4.** In any action, suit or other proceeding wherever commenced in case it is desired to examine a person for discovery and such person resides within the district of one of the said deputy clerks such deputy clerk shall for the purposes of such examination have and perform all the powers, duties and obligations of the clerk of his judicial district. No. 10 of 1895, s. 5.

Examination  
for discovery

**5.** In respect of appeals from convictions or orders made by a justice of the peace under the authority of any Ordinance relating to matters within the legislative authority of the Legislative Assembly of the Territories or under the authority of a municipal by law where the conviction or order is made within the district of any one of the said deputy clerks the

Appeals from  
convictions

office of such deputy clerk shall be the office of the court in which all proceedings relating to such appeal shall be carried on and in respect thereof such deputy clerk shall have and perform all the powers, duties and obligations of the clerk of his judicial district. No. 10 of 1895, s. 6.

Pending  
business

**6.** The provisions of this Ordinance shall not apply to any business pending at the time of the passing hereof and such business shall be completed in the office of the clerk or deputy clerk in which the same is pending. No. 10 of 1895, s. 9.

#### PROCESS ISSUERS.

Process  
issuers

**7.** In any section of the Territories where the convenience of the public may be the better served the clerk with the approval of the judge may also appoint a process issuer who being supplied with blank forms original and *mesne* processes signed by the clerk may issue the same under his direction from time to time, such process issuer countersigning each one so issued and making returns of all processes so issued to the clerk as required by the clerk or as directed by the judge and in such cases the clerk and his sureties shall be responsible for all the acts and omissions of such issuer. No. 6 of 1893, s. 547.

#### SECURITIES AND OATHS OF OFFICE OF CLERKS.

Clerk to file  
copy of  
security of  
office

**8.** Every clerk before entering upon the duties of his office and if after entering upon his duties a new security is substituted for any previously given shall file in the office of the Territorial secretary a copy, certified as such by the Secretary of State for Canada, of the security required by and given under *The North-West Territories Act* or of such substituted security. No. 6 of 1893, s. 11; No. 38 of 1897, s. 8 (1).

Security may  
be sued upon

**9.** Such security shall be available to and may be sued upon by any person suffering damages by the default, breach of duty or misconduct of such clerk. No. 6 of 1893, s. 13.

Certified copy  
evidence

**10.** A copy of such security purporting to be such, certified by the Territorial secretary, shall be received in all courts as *prima facie* evidence of the due execution and contents thereof without further proof. No. 6 of 1893, s. 14; No. 38 of 1897, s. 8 (3).

Deputy clerk  
to give  
security

**11.** Every deputy clerk before entering upon the duties of his office shall give security to the Lieutenant Governor to the satisfaction of the Lieutenant Governor in Council in the sum of one thousand dollars for the due performance of the duties and obligations of his said office and for the due payment over to the persons entitled thereto of all moneys received by him by virtue of his said office and any person sustaining damage by reason of non performance or improper or undue performance of any such duties or obligations or by reason of the non-payment over of any such moneys shall have and possess a

Right of  
action on  
security

right of action against such deputy clerk and his sureties upon such security for the amount of such damages. No. 10 of 1895, s. 11; No. 38 of 1897, s. 12 (1).

**12.** The clerks respectively for the said judicial districts of Northern Alberta, Southern Alberta, Saskatchewan, Western Assiniboia and Eastern Assiniboia shall not after the giving of such security by their said respective deputies be answerable or accountable for the acts or non performance or improper performance of the duties and obligations of their respective deputies. No. 10 of 1895, s. 12; No. 38 of 1897, s. 9 (1). Clerks not responsible for deputies

**13.** Every clerk and every deputy clerk appointed under the provisions of any Ordinance of the Territories in that behalf shall upon appointment and before entering upon the duties of his office take the oath of office in the form in the schedule to this Ordinance and also the oath of allegiance. Clerk and deputy to take oath of office

(2) All such oaths shall be filed in the office of the clerk of the Executive Council immediately after being taken. No. 38 of 1897, s. 8 (4); No. 12 of 1898, s. 43.

#### VACANCY.

**14.** Whenever a vacancy occurs in the office of clerk and until the same be filled by the proper authority the books, records, moneys and other matters and things the property of the Government of the Territories shall be handed over by the person in whose possession or control they may be to such person as the judge usually exercising jurisdiction in the judicial district shall appoint to receive the same and such appointee during such vacancy is authorised to perform the duties of the clerk of the court. Disposition of books, etc., when vacancy occurs

(2) Without prejudice to any other powers of the court or judge by way of attachment, committal or otherwise, the judge may on summary application make an order directing the sheriff or other person named by him to take and seize such books, records, moneys and other things wheresoever found and for such purpose may authorise such sheriff or other person to break and open any doors and windows, buildings or inclosures and such order shall be full justification to such sheriff or other person for any action taken in pursuance thereof. No. 6 of 1893, s. 16; No. 38 of 1897, s. 8 (5). Forcible recovery of office books, etc.

#### PROHIBITION FROM PRACTICE AS ADVOCATE.

**15.** No clerk or deputy clerk while holding office shall practise as an advocate of the Territories or be a member of any firm of advocates practising in the Territories. No. 10 of 1895, s. 13; No. 38 of 1897, s. 8 (6). Clerk or deputy not to act as advocate

#### BOOKS AND FORMS.

**16.** All necessary books and forms required for use in the Books and forms

clerk's or deputy clerk's offices shall be provided by and be the property of the North-West Government. No. 6 of 1893, s. 557 ; No. 38 of 1897, s. 8 (7).

FEEs TO CLERKS AND DEPUTIES. ANNUAL RETURNS TO TERRITORIAL TREASURER.

Interpretation **17.** For the purposes of the following sections

"Clerk" 1. The word "clerk" shall mean and include the clerk of the Supreme Court of the North-West Territories for each of the judicial districts and their respective deputies appointed under the provisions of this Ordinance ;

"Fees" 2. The word "fees" shall mean and include all fees and allowances payable to clerks under the provisions of *The Judicature Ordinance* or rules of court and all fees payable to such clerks as registration clerks under the provisions of *The Bills of Sale Ordinance* ; *An Ordinance respecting Hire Receipts and Conditional Sales of Goods* and *An Ordinance respecting Partnerships* and any amendments to the said Ordinances or any other Ordinance of the Territories. No. 8 of 1894, s. 1 ; No. 38 of 1897, s. 10 (1).

Fees to be paid clerk **18.** All fees upon interlocutory motions, summonses and orders made or granted in chambers shall be paid to the clerk of the judicial district or division of the judicial district in which the proceedings are taken. No. 8 of 1894, s. 1.

Chamber book **19.** Every clerk shall keep a chamber book in which such proceedings shall be entered. No. 8 of 1894, s. 1.

Fees received to be recorded **20.** Every clerk shall keep a separate book in which he shall enter from day to day all fees and emoluments received by him under and by virtue of the said Ordinances and amendments showing therein separately the fees received by him for each service performed under any of the said Ordinances and amendments and such further facts and information as the Lieutenant Governor may from time to time require. No. 8 of 1894, s. 2 ; No. 38 of 1897, s. 10 (2).

Annual statement of fees received **21.** Every clerk shall on or before the fifteenth day of January in each year make up a statement in duplicate from such book and return the same to the Territorial Treasurer verified under oath ; such statement shall set forth the total amount of fees which have been received by such clerk during the twelve months ended on the thirty-first day of December next preceding. No. 8 of 1894, s. 3 ; No. 38 of 1897, s. 10 (3).

Fee book open to inspection **22.** Each clerk shall produce such book at any time during his lawful office hours for inspection by any person appointed by the Lieutenant Governor for that purpose. No. 8 of 1894, s. 4 ; No. 38 of 1897, s. 10 (5).

Fees retainable by clerk **23.** Every clerk shall be entitled to retain to his own use in each year all the fees received by him in that year up to \$1,500.



(2) Of the further fees and emoluments received by each clerk in each year in excess of \$1,500 and not exceeding \$2,000 he shall be entitled to retain to his own use seventy per cent. and no more.

(3) Of the further fees and emoluments received by each clerk in each year in excess of \$2,000 not exceeding \$2,500 he shall be entitled to retain to his own use sixty per cent. and no more.

(4) Of the further fees and emoluments received by each clerk in each year in excess of \$2,500 and not exceeding \$3,000 he shall be entitled to retain to his own use fifty per cent. and no more.

(5) Of the further fees and emoluments received by each clerk in each year in excess of \$3,000 and not exceeding \$3,500 he shall be entitled to retain to his own use forty per cent. and no more.

(6) Of the further fees and emoluments received by each clerk in each year in excess of \$3,500 he shall be entitled to retain to his own use thirty per cent. and no more. No. 8 of 1894, ss. 5, 6, 7, 8, 9, 10.

**24.** With the statement in section 21 of this Ordinance mentioned each clerk shall transmit to the Territorial treasurer such proportion of the fees received by him during the preceding year as under this Ordinance he is not entitled to retain to his own use. No. 8 of 1894, s. 11; No. 38 of 1897, s. 10 (6). Proportion of fees to be paid Territorial Treasurer

**25.** Any clerk who fails to keep the books required to be kept by him under the provisions hereof or who fails to enter therein any fee or fees received by him and required by the provisions hereof to be entered therein shall for each such offence be liable on summary conviction to a penalty not exceeding \$20. No. 8 of 1894, s. 12. Penalty for neglect to keep books

**26.** Any clerk who shall fail to transmit to the Territorial treasurer on or before the fifteenth day of January in any year the statement mentioned in section 21 hereof verified as therein provided shall on summary conviction be liable to a penalty of \$20 for each day after that date that he shall fail to transmit the same so verified. No. 8 of 1894, s. 13; No. 38 of 1897, s. 10 (7). Penalty for nontransmission of annual statement

**27.** Any clerk who fails to transmit to the Territorial treasurer with the statement in section 21 of this Ordinance mentioned the proportion of fees required to be so transmitted by him under the provisions of section 24 hereof shall for every such offence be liable on summary conviction to a penalty of \$20 for each day after the fifteenth day of January that he shall fail to transmit the same. No. 8 of 1894, s. 14; No. 38 of 1897, s. 10 (8). Failure to transmit fees

**28.** The fees and moneys received by the Territorial treasurer under the provisions hereof shall form part of the Money to go to general revenue fund

general revenue fund of the Territories. No. 8 of 1894, s. 15;  
No. 38 of 1897, s. 10 (9).

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### SCHEDULE.

#### CLERK'S OATH OF OFFICE.

I, \_\_\_\_\_ do swear that I will truly and  
faithfully perform the several duties of \_\_\_\_\_ clerk of  
the Supreme Court of the North-West Territories  
\_\_\_\_\_ Judicial District of \_\_\_\_\_ to which  
I have been appointed without fear, favour or malice. So help  
me God.

Sworn before me at  
in the North-West Territories, }  
this \_\_\_\_\_ day of \_\_\_\_\_ 1 \_\_\_\_\_ }

## CHAPTER 23.

### An Ordinance respecting Sheriffs and Deputy Sheriffs.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### OFFICE HOURS.

1. It shall be the duty of every sheriff to keep his office open between the hours of ten in the forenoon and four in the afternoon on all days except Sundays and holidays and except Saturdays when the same may be closed at one o'clock in the afternoon. R.O. c. 57, s. 1.

#### BOOKS, RECORDS AND PROCESS.

2. Every sheriff shall keep a separate book in which he shall enter from day to day all fees and emoluments received by him in virtue of his office showing separately the fees received for each service performed and such further facts and information as the Lieutenant Governor may from time to time require. No. 38 of 1897, s. 11 (1).

3. Every sheriff shall on or before the fifteenth day of January in each year make up a statement in duplicate from such book and return the same to the attorney general verified under oath ; and such statement shall set forth the total amount of fees which have been received during the twelve months ended on the thirty-first day of December next preceding. No. 38 of 1897, s. 11 (1).

4. The sheriff shall keep in his office open to the inspection of any person the following books, namely :

(a) Process books—in which shall be entered a memorandum of every process other than writs of execution or writs in the nature of writs of execution received by the sheriff, the court out of which the same issued, the date of the receipt, the nature of the process, the names of the parties thereto, the advocate by whom issued, the date of the return and the nature of the return made thereto or what was thereunder or therewith done respectively ;

(b) Execution books for goods and lands respectively in which shall be entered a memorandum of every writ of execution or writ in the nature of a writ of execution, the court out of which the same issued, the names of the parties thereto, the advocate by whom issued, the date of return and the nature of the return made thereto or what was done thereunder or therewith ; and

(c) A cash book in which shall be entered all cash received or paid away by the sheriff in his official capacity or in connec-

tion with his office for any service whatever—for fees, poundage, service of process and papers, attendance at court, moneys levied under execution or under writs in the nature of writs of execution or otherwise, the date of the receipt or payment and the cause, matter or service in which or on account of which the same was received or paid away.

(2) And a seal of office. R.O. c. 57, s. 3.

Supplying  
books and  
seal

**5.** The said books and seal shall be supplied out of the general revenue fund of the Territories. R.O. c. 57, s. 4.

Books,  
records, etc.,  
to be property  
of Government

**6.** All books, accounts, records, papers, writs, warrants, processes, moneys and other matters and things in the possession or under the control of any sheriff by virtue of or appertaining to his office as sheriff shall be the property of the Government of the Territories and the same and every of them shall immediately upon the resignation, removal from office or death of any such sheriff be, by the party in whose possession or control they may come or happen to be, handed over to and taken possession of by the successor in office of such sheriff or such person as the judge usually exercising jurisdiction in the judicial district may appoint to receive the same. R.O. c. 57, s. 5; No. 38 of 1897, s. 11 (2).

Disposition on  
vacancy of  
office

Possession of  
books, etc.,  
after vacancy

**7.** No person except the successor in office of the sheriff so resigning, being removed or dying, or the person so to be appointed by the judge as aforesaid shall take, have or hold any such books, accounts, records, papers, writs, warrants, process, moneys, or other matters or things; and any person having or holding any of the matters aforesaid shall forthwith on demand deliver over the same and every of them to the said succeeding sheriff or to the person so to be appointed as aforesaid; and upon any such person neglecting or refusing so to do on conviction thereof before a judge of the Supreme Court he shall be liable to pay a penalty not exceeding \$100. R.O. c. 57, s. 6; No. 38 of 1897, s. 11 (3).

Refusal to give  
up possession

Ex-sheriff to  
have access  
to books

**8.** The sheriff after resigning office or removal from office, or his heirs, executors or administrators shall or may at any and at all time or times thereafter have the right and be at liberty to have access to search and examine into any or all accounts, books, papers, warrants, and processes of whatever kind and all other matters or things which were formerly in the possession of him the said sheriff before his resignation or removal and which at the time of making or requiring to make such search or examination are in the possession or control of the succeeding sheriff, free of all costs, charges and expenses. R.O. c. 57, s. 7.

#### VACANCY IN OFFICE PENDING EXECUTION OF WRIT.

Sale of lands  
by sheriff  
Procedure  
when vacancy  
occurs

**9.** In case of the death, resignation or removal of the sheriff, or of any deputy where there is no sheriff, after he has made a sale of lands but before he has made a transfer of the same to

the purchaser such transfer shall be made to the purchaser by the sheriff or the deputy sheriff who is in office acting as sheriff as aforesaid at the time when the deed of conveyance is made. R.O. c. 57, s. 8.

**10.** If the sheriff goes out of office during the currency of any writ of execution against lands and before the sale, such writ shall be executed and the sale and transfer of the lands be made by his successor in office and not by the former sheriff. Sheriff vacating, successor to continue process R.O. c. 57, s. 9.

#### MISFEASANCE OR DEFAULT OF SHERIFF, LIABILITY OF SURETIES.

**11.** The sureties of the sheriff shall be liable to indemnify the party or parties to any legal proceedings against any omission or default of the sheriff in not paying over moneys received by him and against any damage sustained by any such party or parties in consequence of the sheriff's wilful or neglectful misconduct in his office and the sheriff shall be joint defendant in any action to be brought upon the covenant or security given by the sheriff. Liability of sureties R.O. c. 57, s. 10.

**12.** Any person sustaining any damage by reason of any such default or misconduct of any sheriff may bring and maintain an action upon the said covenant or security for such default or misconduct and such action shall not be barred by reason of any prior recovery by the same party upon the covenant or security or of any judgment rendered for the defendant in any prior action upon the same covenant or security or by reason of any other action being then depending upon the same either at the suit of the same plaintiff or of any other party for any other distinct cause of action. Default of sheriff  
Action on security R.O. c. 57, s. 11.

**13.** If upon the trial of any action upon any such covenant or security it is made to appear that the plaintiff is entitled to recover and that the amount which such surety has paid or become liable to pay as hereinafter mentioned is not equal to the full amount for which he became surety the court after deducting from such full amount the sums which he has so paid or become liable to pay as aforesaid shall render judgment against him for any sum not exceeding the balance of the sum for which he became surety. Limitation of surety's liability R.O. c. 57, s. 12.

**14.** Where any such surety actually and *bona fide* and of his own proper moneys and effects has paid or become liable by virtue of a judgment or judgments recovered against him upon his said covenant or security to pay an amount equal to the amount specified in the said covenant or security for which he became surety such covenant or security shall as to him be deemed to be discharged and satisfied and no other or further sum shall be recovered against him. When surety discharged from liability R.O. c. 57, s. 13.

**15.** It shall be competent for the Supreme Court or a judge thereof upon proof to the satisfaction of the Court or judge of Stay of proceedings against surety

such payment or liability in a summary manner and at any stage of the cause by stay of proceedings or otherwise to prevent the recovery against any such surety of any further sum than the amount specified in his covenant or security and for which he may have become surety. R.O. c. 57, s. 14.

When judgment recovered upon security levy to be on sheriff's goods first

**16.** Upon every writ of execution under a judgment recovered on such covenant or security the plaintiff or his advocate shall by an indorsement on the writ direct the coroner or other officer charged with the execution of such writ to levy the amount thereof upon the goods and chattels of the sheriff in the first place and in default of goods and chattels of the sheriff to satisfy the amount then to levy the same or the residue thereof on the goods and chattels of the other defendant or defendants in such writ and so in like manner with any writ against lands and tenements upon a judgment on any such covenant or security. R.O. c. 57, s. 15.

Sheriff liable until successor takes office

**17.** Notwithstanding a sheriff may have forfeited his office and become liable to be removed therefrom the liability of himself and his sureties shall remain until a new sheriff has been appointed and sworn into office. R.O. c. 57, s. 16.

#### OFFICERS NOT TO PURCHASE AT EXECUTION SALES.

Sheriff, etc., may not purchase under execution

**18.** No sheriff, deputy sheriff, bailiff or constable shall directly or indirectly purchase any goods or chattels, lands or tenements by him exposed to sale under execution. R.O. c. 57, s. 17.

#### MISCONDUCT OF BAILIFF OR CONSTABLE.

Liability for misconduct in execution of writ

**19.** If any bailiff or constable entrusted with the execution of any writ, warrant, process, mesne or final, wilfully misconducts himself in the execution of the same or wilfully makes any false return to such writ, warrant or process, unless by the consent of the party in whose favour the process issued, he shall answer in damages to any party aggrieved by such misconduct or false return. R.O. c. 57, s. 18.

#### CUSTODY OF WRITS, PROCESS, ETC.

Restoration of documents, etc., to sheriff

**20.** Every deputy sheriff, bailiff or other sheriff's officer or clerk entrusted with the custody of any writ or process or of any book, paper or document belonging to the said sheriff or his office shall upon demand upon him by such sheriff restore and return such writ, process, book, paper or document to the custody of the said sheriff and in case of any neglect or refusal to return or restore the same as aforesaid the party so neglecting or refusing may be required by an order of the Supreme Court or of any judge of such court to return and restore such writ, process, book, paper or document to such sheriff and if he disobeys such order may be further proceeded against by attachment as in other cases of contumacy to orders or rules of court. R.O. 57, s. 19.

Enforcement of return

**21.** If any deputy sheriff, bailiff or sheriff's officer shall have in his possession, custody or control any writ of summons, *fiere facias* or other writ or any bench warrant or process whatsoever and shall upon demand made by the sheriff from whom the same may have been received or his successor in office or by any other party entitled to the possession of the same neglect or refuse to deliver up the same such sheriff or his successor in office or the party entitled to the possession of the same may proceed by summons and order before any judge having jurisdiction in the court out of which such writ or process issued to compel the production thereof; which order may be enforced in the same manner as like orders for the return of writs against sheriffs and with or without costs or be discharged with costs against the party applying in the discretion of the judge aforesaid. R.O. c. 57, s. 20.

Sheriff's officer to deliver process to sheriff when required

#### VACANCY IN OFFICE OF SHERIFF. DEPUTY TO ACT.

**22.** In case a sheriff dies, resigns his office and his resignation is accepted or is removed therefrom the deputy sheriff by him appointed shall nevertheless continue the office of sheriff and execute the same and all things belonging thereto in the name of the sheriff so dying, resigning or being removed until another sheriff has been appointed and sworn into office; and the said deputy sheriff shall be answerable for the execution of the said office in all respects and to all intents and purposes whatsoever during such interval as the sheriff so dying, resigning or having been removed would by law have been if he had been living or continuing in office and the security given to the sheriff so deceased, resigning or being removed by his said deputy sheriff and his pledges as well as the security given by the said sheriff shall remain and be a security to the Queen, Her Heirs and Successors and to all persons whatsoever for the due and faithful performance of the duties of his office during such interval by the said deputy sheriff. R.O. c. 57, s. 21.

Provision in case of death, resignation or removal of sheriff

#### SECURITIES AND OATHS OF OFFICE.

**23.** Every sheriff before entering upon the duties of his office and if after entering upon his duties a new security is substituted for any previously given shall file in the office of the Territorial secretary a copy, certified as such by the Secretary of State for Canada, of the security required by and given under *The North-West Territories Act* or of such substituted security. No. 6 of 1893, s. 11; No. 38 of 1897, s. 8 (1).

Copy of security to be filed

**24.** Such security shall be available to and may be sued upon by any person suffering damages by the default, breach of duty or misconduct of such sheriff. No. 6 of 1893, s. 13.

Security may be sued upon

**25.** A copy of such security purporting to be such, certified by the Territorial secretary, shall be received in all courts as *prima facie* evidence of the due execution and contents thereof without further proof. No. 6 of 1893, s. 14; No. 38 of 1897, s. 8 (3).

Certified copy of security evidence

Oath of office

**26.** Every sheriff and every deputy sheriff appointed under the provisions of any Ordinance of the Territories in that behalf shall upon appointment and before entering upon the duties of his office take the oath of office in the form in the schedule to this Ordinance and also the oath of allegiance.

(2) All such oaths shall be filed in the office of the clerk of the Executive Council immediately after being taken. No. 38 of 1897, s. 8 (4); No. 12 of 1898, s. 43.

## DEPUTY SHERIFFS.

Deputy  
sheriffs to be  
appointed

**27.** The sheriffs of the several judicial districts shall respectively from time to time appoint a deputy at Edmonton, Lethbridge, Medicine Hat, Battleford, Moose Jaw and Yorkton; and such deputy sheriffs shall have and perform the powers, duties and obligations hereinafter mentioned. No. 10 of 1895, s. 7; No. 13 of 1896, s. 3.

Districts  
defined

**28.** For the purposes hereinafter mentioned the respective districts of the deputy sheriffs at Edmonton, Medicine Hat, Battleford, Moose Jaw and Yorkton shall be the same respectively as the districts of the deputy clerks at the said places respectively; and the district of the deputy sheriff at Lethbridge shall be that portion of the electoral district of Lethbridge lying to the east of the dividing line between ranges twenty-seven and twenty-eight west of the fourth initial meridian:

Provided that any business pending shall be completed in the office of the sheriff or deputy sheriff respectively in which it was begun or is pending. No. 10 of 1895, ss. 8, 9; No. 13 of 1896, s. 4.

Powers and  
duties of  
deputy

**29.** All the powers, duties and obligations which may now be exercised or performed by the sheriff of any one of the said judicial districts may hereafter so far as they are to be exercised or performed within the districts of any one of the said deputy sheriffs or as they affect property and person in the districts of any one of such deputy sheriffs be exercised and performed by such deputy sheriffs respectively and in respect of mesne and final process intended to affect real or personal property situate within the districts of any one of the said deputy sheriffs such deputy sheriff shall have and perform all the powers, duties and obligations of the sheriff of his judicial district and such process shall for the purpose of binding such property be placed in the hands of such deputy sheriff and need not be placed in the hands of the sheriff of his judicial district and such deputy sheriffs shall have and use a duplicate of the seal of the sheriffs of their respective judicial districts and keep such books as are kept by sheriffs. No. 10 of 1895, s. 10.

Deputy to give  
security

**30.** Each deputy sheriff before entering on his duties shall give security to the Lieutenant Governor to the satisfaction of the Lieutenant Governor in Council in the sum of \$2,000 for the due performance of the duties and obligations of his said



office and for the due payment over to the persons entitled thereto of all moneys received by him by virtue of his said office and any person sustaining damage by reason of the nonperformance or improper or undue performance of such duties or obligations by reason of the nonpayment over of such moneys shall have and possess a right of action against such deputy sheriff and his sureties upon such security for the amount of such damages. No. 10 of 1895, s. 11; No. 38 of 1897, s. 12 (1). Security may be proceeded upon

**31.** The respective sheriffs for the said judicial districts of Northern Alberta, Southern Alberta, Saskatchewan, Western Assiniboia and Eastern Assiniboia shall not after the giving of such security by their said respective deputies be answerable or accountable for the acts or nonperformance or improper performance of the duties and obligations of their respective deputies. No. 10 of 1895, s. 12; No. 38 of 1897, s. 9 (1). Sheriff not responsible for deputy

**32.** No sheriff or deputy sheriff while holding office shall practise as an advocate of the Territories or be a member of any firm of advocates practising in the Territories. No. 38 of 1897, s. 8 (6). Sheriff or deputy not to act as advocate

## SCHEDULE.

### SHERIFF'S OATH OF OFFICE.

I, \_\_\_\_\_, do swear that I will truly and faithfully perform the several duties of \_\_\_\_\_ sheriff of the judicial district to which I have been appointed without fear, favour or malice. So help me God.

Sworn before me at  
 in the North-West Territories, )  
 this \_\_\_\_\_ day of \_\_\_\_\_ 1\_\_\_\_. )

## CHAPTER 24.

### An Ordinance respecting Commissioners to Administer Oaths.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Advocates  
to be  
com-  
missioners

**1.** All duly enrolled advocates of the Territories shall be commissioners for taking affidavits in the said Territories. No. 6 of 1893, s. 545.

Lieutenant  
Governor may  
appoint  
com-  
missioners

**2.** The Lieutenant Governor may by a commission or commissions under his hand and the seal of the Territories from time to time empower such and so many persons as he thinks fit and necessary to administer oaths and take and receive affidavits, declarations and affirmations within the Territories. No. 6 of 1893, s. 545 (1) ; No. 38 of 1897, s. 13.

Appointment  
of com-  
missioners  
out of  
Territories

**3.** The Lieutenant Governor may by a commission or commissions under his hand and the seal of the Territories from time to time empower such and so many persons as he thinks fit and necessary to administer oaths and take and receive affidavits, declarations and affirmations without the Territories in or concerning any cause, matter or thing depending or in any wise concerning any of the proceedings in the Supreme Court of the Territories and every oath, affidavit, declaration or affirmation taken or made as aforesaid shall be as valid and effectual and shall be of the like force and effect to all intents and purposes as if such oath, affidavit, declaration or affirmation had been administered, taken, sworn, made or affirmed before a commissioner for taking affidavits within the Territories or other competent authority of the like nature.

(2) The commissioners so appointed shall be styled "Commissioners for taking affidavits in and for the Supreme Court of the Territories." No. 6 of 1893, s. 546 ; No. 12 of 1898, s. 24.

## CHAPTER 25.

### An Ordinance respecting Notaries Public.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

**1.** The Lieutenant Governor in Council may appoint by <sup>Appointments</sup> commission under his hand and the seal of the Territories one or more notaries public for the said Territories, provided that no appointment shall be made of any person or persons who at the time shall not be actually residing within the said Territories. R.O. c. 40, s. 1.

**2.** Every such notary shall have, use and exercise the power <sup>Powers</sup> of drawing, passing, keeping and issuing all deeds and contracts, charter parties and other mercantile transactions in the said Territories and also of attesting all commercial instruments that may be brought before him for public protestation and otherwise of acting as usual in the office of notary and may demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the said calling of notary public during pleasure. R.O. c. 40, s. 2 ; No. 38 of 1897, s. 14.

**3.** For every commission issued under this Ordinance there shall be payable the sum of \$10 to the general revenue fund of <sup>Fee for</sup> <sub>commission</sub> the Territories. R.O. c. 40, s. 3.

## CHAPTER 26.

### An Ordinance to abolish Priority among Execution Creditors.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Creditors' Relief Ordinance.*" No. 25 of 1893, s. 1.

#### INTERPRETATION.

Interpretation      **2.** In this Ordinance the expression "sheriff" shall include deputy sheriffs, duly appointed bailiffs, coroners and any other person discharging the duties of sheriff in the particular case or for the time being ; the expression "judge" shall mean a judge of the Supreme Court of the North-West Territories. No. 25 of 1893, s. 2.

#### PROCEDURE UNDER EXECUTIONS.      DISPOSITION OF MONEYS REALISED.

Priorities abolished      **3.** Subject to the provisions hereinafter contained there shall be no priority among creditors by execution from the Supreme Court of the North-West Territories.

When levy made      (a) In case a sheriff levies money upon an execution against the property of a debtor he shall forthwith enter in a book to be kept in his office open to public inspection without charge a notice stating that such levy has been made and the amount and date thereof and the money levied shall at the expiration of two months from the levy unless otherwise ordered by a judge be distributed rateably amongst all execution creditors whose writs were in the sheriff's hands at the time of the levy or who shall have delivered executions to the said sheriff within the said two months or within such further time as may be ordered by a judge subject however to the provision hereinafter contained as to the payment of the costs of the creditor under whose writ the amount was levied :

Sheriff to give notice

Rateable distribution

Provided that if money is realised by sale of lands for which a certificate of title has been granted under *The Land Titles Act 1894* the said period of two months shall be computed from the date of confirmation of the sheriff's sale under the said Act.

Form of notice      (b) The notice shall state the day upon which it was entered and may be in form A given in the schedule hereto.

Interpleader proceedings      (c) Where proceedings are taken by the sheriff or other officer for relief under any provisions relating to interpleader

those creditors only who are parties thereto and who agree to contribute *pro rata* (in proportion to the amount of their executions) to the expense of contesting any adverse claim shall be entitled to share in any benefit which may be derived from the contestation of such claim so far as may be necessary to satisfy their executions :

Persons  
entitled after

Provided however in case the money is ordered to be paid into court by the sheriff pending the trial of an interpleader issue the entry to be made by the sheriff shall not be made until the said money is again paid out of court to the sheriff for distribution. The Court or judge may direct that one creditor shall bear the carriage of the interpleader proceedings on behalf of all creditors interested and the costs thereof as between advocate and client shall be a first charge upon the moneys or goods which may be found by the proceedings to be applicable upon the executions.

Sheriff's entry,  
where money  
paid into  
court

Carriage of  
interpleader  
proceedings  
Costs

(d) In case the sheriff shall subsequently to the entry of the notice but within the two months levy a further amount upon the property of the debtor the same shall be dealt with as if such amount had been levied prior to the entry of the notice but if after the two months a further amount is levied a new notice shall be entered and the distribution to be made of the amount so levied and of the further amount levied within two months of the entry of the last mentioned notice shall be governed by the entry thereof in accordance with the foregoing provisions of this section and so on from time to time :

Procedure  
where second  
levy made

Provided however that the judge may on application delay any of such distributions or any part thereof to give reasonable time for the obtaining judgment and fix a date for such distributions.

(e) In case a debtor voluntarily and without any sale by the sheriff pays to the sheriff part of the amount owing in respect of an execution in the sheriff's hands and there is at the time no other execution in the sheriff's hands the sheriff is to apply the same on the execution so in his hands and subsections (a) (b) (c) and (d) of this section shall not apply to the money so received by the sheriff.

Part of  
execution  
debt paid  
before sale

(f) In the distribution of moneys under this Ordinance creditors who have executions against goods or lands or against goods only or lands only shall be entitled to share rateably with all others any moneys realised under execution either against goods or lands or against both. No. 25 of 1893, s. 3; No. 13 of 1898, ss. 1, 2.

Proceeds of  
land available  
under  
execution  
goods, etc.

4. When the amount levied by the sheriff is not sufficient to pay the execution debts with costs in full the moneys shall be applied to the payment rateably of such debts and costs after retaining the sheriff's fees and after payment in full of the taxed costs and costs of execution and extra costs of seizure and sale incurred by the creditor at whose instance and under whose execution the seizure and levy were made. No. 25 of 1893, s. 8; No. 13 of 1898, s. 3.

Costs made  
preference

5. Moneys realised by the sheriff as the result of attachment

Attachment  
proceedings

of personal property shall be distributable under the provisions of this Ordinance. No. 13 of 1898, s. 3.

Execution  
creditors alone  
to share

**6.** No creditor shall be entitled to share in the distribution of money levied from the property of a debtor unless by the delivery of a writ of execution he has established a claim against the debtor either alone or jointly with some other creditor or creditors. No. 25 of 1893, s. 4.

Full amount  
of execution  
paid without  
sale

**7.** In case the debtor without any sale by the sheriff pays the full amount owing in respect of the executions in the sheriff's hands at the time of such payment and no other execution has been placed in his hands or in case all executions in the sheriff's hands are withdrawn no notice shall be entered as required by section 3 of this Ordinance and no further proceedings shall be taken under this Ordinance against the debtor by virtue of the executions having been in the sheriff's hands.

Procedure  
where writ  
stayed

(2) Save as aforesaid after an execution has been filed with the sheriff the withdrawal or expiry of the writ upon which the proceedings are founded or any stay upon the writ or the satisfaction of the plaintiff's claim thereon or the setting aside or return of the writ shall not affect the proceedings to be taken under this Ordinance and except so far as the action taken in regard to the writ may affect the amount to be levied the sheriff shall proceed and levy upon the goods or lands of the debtor or both as he would have proceeded had the writ or writs remained in his hands in full force to be executed and may also take the like proceedings as he would have been entitled to take had the writ been a writ of *venditioni exponas*. No. 25 of 1893, s. 6.

Fund in court  
belonging to  
execution  
debtor

**8.** Where there is in any court a fund belonging to an execution debtor and to which he is entitled the same or a sufficient part thereof to pay the executions in the sheriff's hands may on application of the sheriff or any party interested be paid over to the sheriff and the same shall be deemed to be money levied under execution within the meaning of this Ordinance. No. 25 of 1893, s. 7.

One seizure  
sufficient, all  
executions  
sharing

**9.** One seizure by the sheriff of the goods and lands of the debtor shall be deemed sufficient and shall be deemed a seizure on behalf of all creditors sharing under such seizure as hereinbefore provided. No. 25 of 1893, s. 8.

Sheriff entitled  
to single  
poundage only

**10.** Where money is to be distributed under this Ordinance the sheriff shall not be entitled to poundage as upon separate writs but only upon the net proceeds of the estate distributed by him and at the same rate as if the whole amount had been payable under one writ. No. 25 of 1893, s. 9.

Sheriff's  
return after  
levy

**11.** When money is made upon a writ the same shall be taken for the purposes of the sheriff's return and otherwise to be made upon all the writs entitled to the benefits thereof and the sheriff shall upon payment being made to the person entitled

upon such writ indorse thereon a memorandum of the amount so paid but he shall not, except on the request of the party issuing the writ or by direction of the court out of which the same issued or of a judge of such court, return the writ until the same has been fully satisfied or unless the same has expired by effluxion of time in which case the sheriff shall make a formal return of the amount paid thereon.

(2) The like proceedings may be taken to compel payment by the sheriff of money payable in respect of an execution or other claim as can now be had to compel the return by the sheriff of a writ of execution. No. 25 of 1893, s. 10. Compelling payment by sheriff

**12.** The sheriff shall pending the distribution of moneys levied keep in the said book mentioned in section 3 of this Ordinance a statement according to form B in the schedule hereto showing in respect of any debtor on whose property money has been levied the following particulars: Sheriff to keep statement of particulars

(a) The amounts levied and the dates of levy;

(b) Each execution in his hands at the time of entering the notice form A required by section 3 hereof or subsequently received during the month, the amount thereof for debt and costs and the date of receipt and such statement shall be amended from time to time as an additional amount is levied or a new execution is received. No. 25 of 1893, s. 11.

**13.** Where the money levied is insufficient to pay all claims in full and the sheriff is *bona fide* in doubt as to how the proceeds should be distributed or where any contest arises among the creditors as to the distribution of the proceeds among them or any other real difficulty arises as to such distribution the sheriff shall prepare a statement of the proceeds in his hands for distribution and the executions in his hands and the amount thereof and such other particulars as may be necessary to explain the contest or difficulty, to be verified by affidavit, and thereupon shall apply to a judge in chambers for a summons calling upon all parties interested to attend before the judge in chambers to settle a scheme of distribution and such summons shall be made returnable at such time and shall be served on such persons and in such manner and time as the judge may direct. Questions as to distribution Scheme Contestation

(2) The judge may determine any questions in dispute in a summary manner or may direct an issue or action for the trial thereof and may make such order as to costs of all proceedings as may be just.

(3) In case several creditors are interested in a contestation the judge shall give such directions for saving the expense of an unnecessary number of parties and trials or of unnecessary proceedings as may be proper and shall direct by whom and in what proportions costs incurred shall be paid and may make such costs a first charge on the moneys levied or otherwise

direct that they shall be paid out of the said moneys or out of the share or shares of any one or more of the creditors interested in the same or by any party to such contestation. No. 13 of 1898, s. 5.

Sheriff to give  
information

**14.** The sheriff shall at all times, without fee, answer any reasonable question which he may be asked orally in respect to the estate of the debtor by a creditor or any one acting on behalf of a creditor and shall facilitate the obtaining by him of full information as to the value of the estate and the probable dividend to be realised therefrom in his district or any other information in connection with the estate which the creditor may reasonably desire to obtain. No. 25 of 1893, s. 13.

Undisposable  
money to be  
placed in bank

**15.** In case a sheriff has money in his hands which by reason of the provisions of this Ordinance or otherwise he cannot immediately pay over to the execution creditors he shall deposit the money in some incorporated bank designated for this purpose from time to time by order of the judge or where no such order is made then in some incorporated bank in which the public money of the judicial district is then being deposited and such deposit shall be made in the name of the sheriff in trust. No. 25 of 1893, s. 14.

Irregularities  
not to void  
proceeding

**16.** No proceeding under this Ordinance shall be void for any defect of form and the rules for amending or otherwise curing irregularities or defects which may from time to time be in force in the Supreme Court of the North-West Territories shall apply to this Ordinance and any proceedings wrongfully taken under this Ordinance may be set aside by the judge with or without costs as he may think fit. No. 25 of 1893, s. 15.

When  
Ordinance  
inapplicable

**17.** The provisions of this Ordinance shall not apply to the proceeds of any seizure allowed under section 4 of chapter 27 of *The Consolidated Ordinances*. No. 25 of 1893, s. 16.

Employees to  
have priority  
of claim

**18.** All persons in the employment of an execution debtor at the time of the notice mentioned in subsection (a) of section 3 of this Ordinance or within one month before such notice, who shall become entitled to share in the distribution of money levied out of the property of a debtor, shall be entitled to be paid out of such money the wages or salary due to them by such judgment debtor, not exceeding one month's wages or salary, in priority to the claims of the other creditors of the execution debtor and shall be entitled to share *pro rata* with such other creditors as to the residue, if any, of their claim. No. 25 of 1893, s. 17.



## SCHEDULE

## FORM A.

## SHERIFF'S NOTICE.

Notice is hereby given that I have by virtue of certain executions delivered to me against the goods and chattels (*or* lands) of *C.D.*, levied and made out of the property of the said *C.D.* the sum of \$

And notice is further given that this notice is first entered in my office on the            day of            1            , and that unless otherwise ordered distribution of the said money will be made amongst the creditors of the said *C.D.* entitled to share therein at the expiration of two months from the            day of            1            .

*T.G.*  
Sheriff.

Dated, etc.

FORM B.  
SHERIFF'S STATEMENT OF EXECUTIONS IN HAND AGAINST *C.D.*,

| Cause.                       | Proceeding.  | Claim<br>Without<br>Costs. | Costs.  | Date of Receipt<br>by Sheriff. | Amount Levied | Date of Levy.                              |
|------------------------------|--------------|----------------------------|---------|--------------------------------|---------------|--|
| A. B. vs. C. D.              | Fi-fa goods. | \$504                      | \$30.00 | 18 Feb'y, 1893                 | \$500.00      | 1 May, 1893.                               |
| F. G. vs. C. D.<br>and E. G. | Fi-fa lands. | \$400                      | \$20.00 | 30 Feb'y, 1893                 | \$200.00      | 3 May, 1893.<br>Nothing made against E. G. |

## CHAPTER 27.

### An Ordinance exempting certain Property from Seizure and Sale under Execution.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as “ *The Exemptions Ordinance*,” No. 14 of 1898, s. 2. Short title

#### EXEMPTIONS.

2. The following real and personal property of an execution debtor and his family is hereby declared free from seizure by virtue of all writs of execution, namely : Exemptions from seizure

1. The necessary and ordinary clothing of himself and his family ;

2. Furniture, household furnishings, dairy utensils, swine and poultry to the extent of five hundred dollars ;

3. The necessary food for the family of the execution debtor during six months which may include grain and flour or vegetables and meat either prepared for use or on foot ;

4. Three oxen, horses or mules or any three of them, six cows, six sheep, three pigs and fifty domestic fowls besides the animals the execution debtor may have chosen to keep for food purposes and food for the same for the months of November, December, January, February, March and April, or for such of these months or portions thereof as may follow the date of seizure provided such seizure be made between the first day of August and the thirtieth day of April next ensuing ;

5. The harness necessary for three animals, one waggon or two carts, one mower or cradle and scythe, one breaking plough, one cross plough, one set of harrows, one horse rake, one sewing machine, one reaper or binder, one set of sleighs and one seed drill ;

6. The books of a professional man ;

7. The tools and necessary implements to the extent of two hundred dollars used by the execution debtor in the practice of his trade or profession ;

8. Seed grain sufficient to seed all his land under cultivation not exceeding eighty acres, at the rate of two bushels per acre, defendant to have choice of seed, and fourteen bushels of potatoes ;

9. The homestead, provided the same be not more than one hundred and sixty acres ; in case it be more the surplus may be sold subject to any lien or incumbrance thereon ;

10. The house and buildings occupied by the execution debtor and also the lot or lots on which the same are situate according to the registered plan of the same to the extent of fifteen hundred dollars. R.O. c. 45, s. 1 ; No. 14 of 1892, s. 1 ; No. 16 of 1893, s. 1 ; No. 26 of 1894, ss. 1, 2.

#### GENERAL.

Debtor's  
choice

**3.** The execution debtor shall be entitled to a choice from the greater quantity of the same kind of articles which are hereby exempted from seizure. R.O. c. 45, s. 2.

Article  
forming  
consideration  
of judgment

**4.** Nothing in this Ordinance shall exempt from seizure any article except for the food, clothing and bedding of the execution debtor and his family, the price of which forms the subject matter of the judgment upon which the execution is issued. R.O. c. 45, s. 3.

Rights of  
family of  
deceased  
debtor

**5.** In case of the death of the execution debtor, his property exempt from seizure under execution shall be exempt from seizure under execution against his personal representative if the said property is in the use and enjoyment of the widow and children or widow or children of the deceased and is necessary for the maintenance and support of said widow and children or any of them. No. 14 of 1898, s. 1.

Absconding  
debtors

**6.** The provisions of section 2 hereof shall not apply to any case where the debtor has absconded or is about to abscond from the Territories leaving no wife or family behind. No. 14 of 1898, s. 3.

## CHAPTER 28.

### An Ordinance respecting Juries.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Subject to the exemptions hereinafter mentioned all male British subjects over twenty-one and under sixty years of age shall be qualified to serve as jurors in cases tried by jury in the judicial district in which they reside. R.O. c. 62, s. 1.

2. The following persons are exempt from serving as jurors :

- (a) Ministers of religion ;
- (b) Members of the Legislative Assembly and officers thereof ;
- (c) Members of the North-West Mounted Police ;
- (d) Practising advocates ;
- (e) Medical practitioners ;
- (f) All salaried officials of the Dominion and North-West Governments ;
- (g) Licensed ferrymen and school teachers while so employed ;
- (h) All persons employed in the running of railway trains ;
- (i) Telegraph operators while so employed ;
- (j) Postmasters. R.O. c. 62, s. 2 ; No. 22 of 1893, s. 1.

3. No person shall be called upon to serve as a juror more than once in two years unless there shall not be a sufficient number of qualified persons to serve as jurors residing within the requisite distance of the place of trial as hereinafter mentioned. R.O. c. 62, s. 3.

4. The sheriff of each judicial district whenever required so to do by a judge of the Supreme Court shall furnish the clerk of the said court in such judicial district with a revised list containing in appropriate columns the names, residences and occupations of all persons within the said district qualified to serve as jurors. R.O. c. 62, s. 4.

5. Whenever an order has been made for the trial by jury of issues of fact in any civil cause the clerk shall make out from the last revised list of persons qualified to serve as jurors in his district a special list containing the names, residences and occupations of all such persons whose residences do not exceed twenty miles from the place fixed by the order for holding such trial and shall produce the same before the judge in chambers at such time as he may appoint :

When  
number  
insufficient  
clerk may  
increase

Provided always that whenever the number of qualified persons to serve as jurors within the distance aforesaid is less than twenty-four the names of any other qualified persons residing outside of such distance and nearest to the place of trial shall be added to the special list so as to bring the number up to twenty-four; but if the number of names on such list exceeds twenty-four the clerk in the presence of the judge shall draw from the said list by ballot twenty-four names and the said list so increased or reduced to twenty-four names shall be a special list from which the panel to form the jury in the case is to be struck as hereinafter provided. R.O. c. 62, s. 5.

Striking panel  
Notice to  
parties

**6.** The judge shall thereupon appoint a day and an hour at his chambers for striking the panel, one day's notice whereof shall be given by the clerk to the parties interested. R. O. c. 62, s. 6.

Right of  
challenge

**7.** Each party to the suit attending the striking of the panel shall be entitled to four peremptory challenges by striking alternately, if both parties are present, from the special list the name of one of the persons therein designated to the requisite number of four each the clerk marking each name as the same is struck out and the clerk shall then strike off from the top and foot of said list alternately all unchallenged names except twelve which shall constitute the panel to be summoned. R.O. c. 62, s. 7.

Jury list in  
criminal  
matters

**8.** Whenever a jury is required for the trial of any person charged with a criminal offence the clerk on receiving notice from the judge of the fact shall prepare a special list and produce it before the judge in chambers as required in civil matters. R.O. c. 62, s. 8.

Panel

**9.** On the production of such special list the clerk in the presence of the judge shall strike off from such special list by ballot the names singly until the number be reduced to eighteen which number shall form the jury panel for the trial. R.O. c. 62, s. 9.

Precept to  
issue

**10.** As soon as the panel is formed in the manner hereinbefore prescribed the clerk shall issue out of court and deliver to the party applying for it in civil cases but to the sheriff in criminal cases a precept in form A in the schedule to this Ordinance directed to and commanding the sheriff to summon the persons whose names comprise the panel. R.O. c. 62, s. 10.

Summoning  
of jury

**11.** Upon receipt of the precept the sheriff shall execute the same by summoning the persons named therein by delivering to each person or leaving with a grown up member of his household, a reasonable time before the date of the trial, a written or printed summons in form B in the schedule to this Ordinance. R.O. c. 62, s. 11.

Return of  
precept

**12.** The sheriff on or before the opening of the court at the

time set for the trial shall deliver to the court the precept with a return showing his action thereon. R.O. c. 62, s. 12.

**13.** Every person summoned to serve as a juror who fails to obey the summons served on him or to answer to his name when called by the clerk shall be liable to a fine not exceeding \$50 which may be immediately imposed by the court : Omission to obey summons Penalty

Provided that the court may for good cause shown reduce or entirely remit such penalty. R.O. c. 62, s. 13.

**14.** All fines for nonattendance of jurors shall if not paid forthwith be levied together with the sheriff's costs and expenses as authorised for the execution of civil process by warrant of distress issued by the clerk sealed with the seal of the court directed to the sheriff and sale of goods of the party fined as provided for executing writs of execution and in default of sufficient goods and chattels such person may be imprisoned for a term not exceeding thirty days. R.O. c. 62, s. 14. Enforcement of penalty

**15.** The name of every person included in the precept to the sheriff and summoned by him as hereinbefore provided with his residence and occupation shall by the sheriff be written distinctly upon a piece of card or paper three inches in length by one and one-half inches in width and the pieces of card or paper so written upon shall be placed in a glass or box to be by him returned to the clerk of the court with the return of the precept. R.O. c. 62, s. 15. Names of persons summoned on separate cards

**16.** When the case in which the precept has issued is brought on to be tried the clerk shall in open court cause the cards or papers to be mixed up in the said glass or box and then draw out so many of the said cards or papers one after another until six jurors are drawn who after all just causes for challenging allowed appear as fair and indifferent and who shall be the jury to try the issues set for trial by jury in the case. R.O. c. 62, s. 16. Selection of jury

**17.** When upon the application of either party to a civil cause the judge orders the matters in issue to be tried by a special jury the clerk under the direction of the judge shall select from the last revised list of jurors of the district the names of twenty-four persons who from their station and intelligence are considered by the judge qualified to try the issues and the panel shall be struck from such list and jurors summoned as hereinbefore provided in the case of a common jury. R.O. c. 62, s. 17. When special jury required

**18.** The party who shall apply for a special jury shall not only pay the fees for striking such jury but shall also pay all expenses occasioned by the trial of the cause by such special jury and shall not have any other allowance for the same upon taxation of costs than such party would be entitled to in case the cause had been tried by a common jury unless otherwise ordered by the judge. R.O. c. 62, s. 18. Costs of special jury

Sheriff's  
remuneration

**19.** There shall be payable to the sheriff upon the certificate of a judge out of the general revenue fund of the Territories the sum of five cents for every name added to the list of jurors in his district. R.O. c. 62, s. 19.

Commence-  
ment of  
Ordinance

**20.** This Ordinance shall come into force and take effect immediately from and after the repeal of sections 71 and 88 of *The North-West Territories Act*. R.O. c. 62, s. 20.

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## SCHEDULE.

### FORM A.

#### PRECEPT.

In the Supreme Court of the North-West Territories,  
Judicial District of

VICTORIA by the Grace of GOD of the United Kingdom of  
Great Britain and Ireland, QUEEN, Defender of the  
Faith, etc., etc.

To \_\_\_\_\_, the sheriff of the  
Judicial District of

You are commanded that you cause to come before this  
court on \_\_\_\_\_ the \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. 1 \_\_\_\_\_, at ten o'clock in the forenoon  
at \_\_\_\_\_ in the \_\_\_\_\_ in the said  
Territories for the trial of \_\_\_\_\_ the good and  
lawful men of the said Territories whose names and places of  
abode are given in the schedule hereto annexed.

Given under my hand and the seal of the said court at  
\_\_\_\_\_ in the said Territories this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. 1 \_\_\_\_\_.

Clerk.



SCHEDULE REFERRED TO IN THE ANNEXED PRECEPT IN THE  
CAUSE OF                      AGAINST

| Name of juror. | Residence. | When and where served. |
|----------------|------------|------------------------|
|                |            |                        |

FORM B.

NORTH-WEST TERRITORIES.

## SUMMONS FOR JURORS.

vs.

To

By virtue of a precept dated \_\_\_\_\_ 1 \_\_\_\_\_, to me directed  
you are hereby required and commanded to be and appear at  
\_\_\_\_\_ on \_\_\_\_\_, the \_\_\_\_\_ day  
of \_\_\_\_\_ next at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon  
to serve as a juror in the above named matter.

Herein fail not at your peril.

Sheriff's office

1

Sheriff.

## CHAPTER 29.

### An Ordinance Respecting Alimony.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Jurisdiction of  
the Supreme  
Court of the  
Territories  
in alimony

1. The Supreme Court of the North-West Territories shall have jurisdiction to grant alimony to any wife who would be entitled to alimony by the law of England or to any wife who would be entitled by the law of England to a divorce and to alimony as incident thereto or to any wife whose husband lives separate from her without any sufficient cause and under circumstances which would entitle her by the law of England to a decree for restitution of conjugal rights; and alimony when granted shall continue until the further order of the court. No. 14 of 1895, s. 1.

## CHAPTER 30.

An Ordinance to amend the Law relating to Slander.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. In any action of slander founded on words spoken of the plaintiff imputing unchastity, adultery or profligacy to a female, whether married or unmarried, it shall not be necessary to allege or prove any special damage but such words shall be actionable *per se*. No. 17 of 1894, s. 1.

## CHAPTER 31.

### An Ordinance respecting Limitation of Actions in Certain Cases.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts, as follows :

Actions on  
simple  
contracts

1. All actions for recovery of merchants' accounts, bills, notes, and all actions of debt grounded upon any lending or other contract without specialty shall be commenced within six years after the cause of such action arose. R.O. c. 56, s. 1 : No. 13 of 1890, s. 1.

*The Real  
Property  
Limitation  
Act (Imp.)*  
in force

2. The provisions of *The Real Property Limitation Act, 1874*, being chapter 57 of the Statutes of the Imperial Parliament, passed in the thirty-seventh and thirty-eighth years of Her Majesty's reign, are hereby declared to be in force and to have been in force in the Territories since the passing thereof. No. 28 of 1893, s. 1.

## CHAPTER 32.

### An Ordinance Respecting Justices of the Peace.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Magistrates Ordinance.*" No. 36 of 1897, s. 1. Short title

#### JUSTICES OF THE PEACE.

2. The Lieutenant Governor may appoint justices of the peace for the Territories who shall have jurisdiction as such throughout the same. No. 36 of 1897, s. 2. Appointment of justices

3. Whenever a new commission of the peace shall be issued all and such like former commissions shall become absolutely revoked and cancelled; and nothing in this Ordinance contained shall prevent the reappointment of any justice of the peace named in such former commission if the Lieutenant Governor shall think fit. No. 36 of 1897, s. 3. Commission of the peace

4. No person who is not a British subject by birth or naturalization shall be appointed as a justice of the peace. No. 36 of 1897, s. 4. Alien not to be appointed

5. When not otherwise especially provided for by law no advocate shall be appointed or act as a justice of the peace during the time he continues to practise as such. No practising advocate to be justice

(2) The provisions of this section shall not apply to any advocate appointed as a police magistrate under any Act of the Parliament of Canada. No. 36 of 1897, s. 5. Proviso

#### OATHS OF JUSTICES.

6. Every justice of the peace before he is gazetted as such and takes upon himself to act as a justice of the peace shall take and subscribe the oath of allegiance and the following oath before any person authorised to administer oaths and declarations in the Territories, that is to say :

I, A.B., of \_\_\_\_\_ in the \_\_\_\_\_ district of \_\_\_\_\_ (as the case may be) do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of justice of the peace and that I will do right to all manner of people after the laws and usages of these Territories without fear or favour, affection or ill will. So help me God. No. 36 of 1897, s. 6. Oath of office and allegiance

7. Every oath of office or allegiance taken by a justice of the peace shall forthwith after the same is taken be transmitted Record of oath

or delivered by the justice of the peace to the clerk of the Executive Council and shall be filed in his office. No. 36 of 1897, s. 7.

#### PROCEDURE.

Part LVIII of  
The Criminal  
Code to apply  
to proceedings

8. Except it is otherwise specially provided all the provisions of part LVIII of the Act of the Parliament of Canada known as *The Criminal Code 1892* and the Acts already passed or which may be hereafter passed amending the same shall apply to all proceedings before justices of the peace under or by virtue of any Ordinance of the Territories. No. 36 of 1897, s. 8.

Appeals

9. Any party who considers himself aggrieved by a conviction or any order made by a justice of the peace under the authority of any Ordinance in force in and relating to matters within the legislative authority of the Legislative Assembly of the Territories or a municipal by-law may appeal therefrom to a judge of the Supreme Court of the North-West Territories.

Practice on  
appeal

(2) The practice and proceedings on the appeal and both preliminary and subsequent thereto and otherwise in respect thereof shall be the same as the practice and proceedings under the statutes of the Parliament of Canada for the time being in force on appeal from convictions and orders of justices of the peace made under the authority of any statute of Canada.

Powers of  
judge

(3) The judge shall have and possess the like powers as to the imposition and recovery of costs as are possessed by him in appeals from matters under the said statutes. No. 36 of 1897, s. 9.

#### PRIORITY OF JURISDICTION.

Jurisdiction  
in first justice

10. Jurisdiction in any particular case shall exclusively attach in the first justice of the peace or where more than one justice is required the first justices to the required number duly authorised who has or have possession and cognisance of the fact:

Proviso

Provided that at the request of any such justice or at the unanimous request of any such justices where more than one justice is required any other justice or justices may take part in any case.

Jurisdiction  
of one or  
more justices

(2) Every complaint and information shall be heard, tried, determined and adjudged by one justice or two or more justices as directed by the Ordinance or law upon which the complaint or information is framed or by any other Ordinance or law in that behalf.

(3) If there is no such direction in any Ordinance or law then the complaint or information may be heard, tried, determined and adjudged by any one justice.

(4) Any one justice may receive the information or complaint and grant a summons or warrant thereon and issue his summons or warrant to compel the attendance of any witnesses for either party and do all other acts and matters necessary pre-

liminary to the hearing even if by the Ordinance in that behalf it is provided that the information or complaint shall be heard and determined by two or more justices.

(5) After a case has been heard and determined one justice may issue all warrants of distress or commitment thereon.

(6) It shall not be necessary for the justice who acts before or after the hearing to be the justice or one of the justices by whom the case is to be or was heard and determined.

(7) If it is required by any Ordinance or law that an information or complaint shall be heard and determined by two or more justices or that a conviction or order shall be made by two or more justices, such justices shall be present and act together during the whole of the hearing and determination of the case. No. 36 of 1897, s. 10.

#### RETURNS.

**11.** Every justice of the peace who receives the amount of any fine, penalty, forfeiture or other sum of money which is payable to the Government of the Territories shall forthwith after he has received the same transmit the amount to the attorney general with a statement as in form A in the schedule to this Ordinance. Returns and transmissions

2. Every justice of the peace by or before whom, whether alone or with one or more other justice or justices, any matter of any nature whatsoever is commenced, tried, heard, revised or adjudicated upon shall in the months of January and July in each year and before the fifteenth day thereof make a return in writing signed by him to the attorney general shewing the result, disposition of or action taken upon or in regard to any such matter so dealt with theretofore which has not been included in some previous return made by such justice to the attorney general.

3. Such return shall be in form B in the schedule to this Ordinance and shall truly set forth the information indicated as required by the headings to the different columns in said form.

4. In case no proceedings whatever have been had or taken before any justice he shall make a return so stating. No. 15 of 1898, s. 1.

**12.** Any justice or justices of the peace whose duty it is to make returns or transmit fines, penalties, forfeitures or other moneys as aforesaid who refuses or neglects to make such returns or transmit such amounts in the manner and at the time above provided may be required by a written notice from the attorney general (which notice may be forwarded to the usual or last known post office address of the said justice or justices by post prepaid and registered or delivered to the said justice or justices in person) requiring such justice or justices forthwith to make such returns or transmit such amounts as aforesaid; and after the expiration of thirty days Procedure to enforce returns

from the posting or delivery of such notice should the said justice or justices still refuse or neglect to make such returns or transmit such amounts as aforesaid then the attorney general shall report such refusal, neglect or omission to the Territorial secretary who shall cause the names of the justice or justices so making default to be published in the official gazette of the Territories during two successive issues thereof with a notice stating that in default of the justice or justices therein named making such returns or transmissions within thirty days from the first publication of such notice the name of such justice or justices so making default shall be erased from the commission of the peace; and the Territorial secretary shall on the expiration of thirty days from the date of the first publication in *The North-West Territories Gazette* erase from the commission of the peace the name of every justice of the peace still in default and upon such erasure such justice or justices of the peace shall be and become deprived of all power and authority and jurisdiction as justice of the peace and shall not thereafter be eligible for reappointment. No. 36 of 1897, s. 13; No. 15 of 1898, s. 3.

Neglect to  
make returns  
Penalties

**13.** The penalties in this Ordinance provided for omission to make returns shall be in addition to all other fines, penalties or punishment provided therefor by any other Ordinance or law in force in the Territories. No. 36 of 1897, s. 16; No. 15 of 1898, s. 5.

Penalty for  
making false  
return

**14.** In case the justice or justices before whom any such conviction takes place or who receives or receive any such money neglects or refuses, neglect or refuse to make such return thereof or in case any such justice or justices wilfully makes or make a false, partial or incorrect return every such justice so neglecting or refusing or wilfully making such false, partial or incorrect return shall forfeit and pay the sum of \$100 together with full costs of suit to be recovered by the attorney general on behalf of Her Majesty before the Supreme Court of the Territories as a debt, the same when recovered to form part of the general revenue fund of the Territories. No. 36 of 1897, s. 18.



### SCHEDULE.

## FORM A.

The Attorney General,  
Regina, N.W.T.

SIR,

I inclose herewith the sum of \$ \_\_\_\_\_ being the amount of  
the penalty collected on the \_\_\_\_\_ day of \_\_\_\_\_ 1  
from \_\_\_\_\_ of \_\_\_\_\_ imposed by \_\_\_\_\_  
at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1  
on conviction for \_\_\_\_\_ contrary  
to the provisions of section \_\_\_\_\_ of \_\_\_\_\_

Your obedient servant,

*J.P.*

## FORM B.

*Return by Justice of the Peace.*

I, the undersigned one of Her Majesty's Justices of the Peace in and for the North-West Territories do certify the following to be a true and correct return of all proceedings heretofore had in which I took part as such justice and not included in some previous return made by me to the attorney general of the Territories.

|                                  |                                |                             |  |                  |                                   |                          |  |  |
|----------------------------------|--------------------------------|-----------------------------|--|------------------|-----------------------------------|--------------------------|--|--|
| Name of prosecutor or informant. | Name of accused or respondent. | Nature of charge or matter. | Act, Ordinance or By-Law proceeded on. | Date of hearing. | Adjudication and sentence if any. | Amount of costs imposed. | Date of payment of penalty and costs, & to whom. | Remarks, giving subsequent action, if any. |
|                                  |                                |                             |  |                  |                                   |                          |  |  |

Dated at

1

*J.P.*

## CHAPTER 33.

### An Ordinance<sup>1</sup> Respecting Constables.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Justices may  
appoint  
constables

1. Any justice of the peace may in writing appoint one or more constables whose powers and duties as such shall extend to the whole of the Territories ; such appointment to be in force for the time mentioned in the appointment but shall at no time be longer in force than until the thirty-first day of December then next following the date of such appointment or until any process on the said thirty-first day of December in his hands be executed. R.O. c. 43, s. 1.

Duration of  
office

Oath

2. Every constable so appointed shall before entering upon the duties of his office take and subscribe before a justice of the peace the following oath :

I, \_\_\_\_\_ having been appointed constable for the North-West Territories do solemnly swear that I will truly, faithfully and impartially perform the duties appertaining to the said office according to the best of my skill and ability. So help me God. R.O. c. 43, s. 2.

## CHAPTER 34.

### An Ordinance respecting Distress for Rent and Extra-judicial Seizure.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. No person whosoever making any distress for rent nor any person whosoever employed in any manner in making such distress or doing any act whatsoever in the course of such distress or for carrying the same into effect shall have, take or receive out of the proceeds of the goods and chattels distrained upon and sold or from the tenant distrained on or from the landlord or from any other person whomsoever any other or more costs and charges for and in respect of such distress or any matter or thing done therein than such as are fixed in the schedule to this Ordinance and applicable to each proceeding which shall have been taken in the course of such distress and no person or persons whosoever shall make any charge whatsoever for any act, matter or thing mentioned in this Ordinance or in the said schedule unless such act, matter or thing shall have been really performed or done. R.O. c. 52, s. 1.

Costs in  
distrains  
not to exceed  
rates in  
schedule

2. No person whosoever making any seizure under the authority of any chattel mortgage, bill of sale or any other extra judicial process whatsoever nor any person whosoever employed in any manner in making such seizure or doing any act whatsoever in the course of such seizure or for carrying the same into effect shall have, take or receive out of the proceeds of the goods and chattels seized and sold from the person against whom the seizure may be directed or from any other person whomsoever any other or more costs and charges for and in respect of such seizure or any matter or thing done therein or thereunder than such as are fixed in the schedule hereto and applicable to each act which shall have been done in course of such seizure and no person or persons whosoever shall make any charge whatsoever for any act or matter or thing mentioned in the said schedule unless such act, matter or thing shall have been really performed and done. R.O. c. 52, s. 2.

Seizure under  
chattel  
mortgages,  
etc., costs  
regulated

3. If any person making any distress or seizure referred to in sections 1 and 2 of this Ordinance shall take or receive any other or greater costs than are set down in the said schedule or make any charge whatsoever for any act, matter or thing mentioned in the said schedule and not really performed or done the party aggrieved may cause the party making the said distress or seizure to be summoned before the Supreme Court of the judicial district in which the goods and chattels distrain-

Penalty for  
taking  
excessive  
costs

ed upon or seized or some portion thereof lie and the said court may order the party making the distress or seizure to pay to the party aggrieved treble the amount of moneys taken contrary to the provisions of this Ordinance and the costs of suit. R.O. c. 52, s. 3.

Distrait for  
rent limited  
to property  
of tenant

Exceptions

4. A landlord shall not distress for rent on the goods and chattels the property of any person except the tenant or person who is liable for the rent although the same are found on the premises; but this restriction shall not apply in favour of a person claiming title under or by virtue of an execution against the tenant or in favour of any person whose title is derived by purchase, gift, transfer or assignment from the tenant whether absolute or in trust or by way of mortgage or otherwise nor to the interest of the tenant in any goods on the premises in the possession of the tenant under a contract for purchase or by which he may or is to become the owner thereof upon performance of any condition nor where goods have been exchanged between two tenants or persons by the one borrowing or hiring from the other for the purpose of defeating the claim of or the right of distress by the landlord nor shall the restriction apply where the property is claimed by the wife, husband, daughter, son, daughter-in-law or son-in-law of the tenant or by any other relative of his in case such other relative lives on the premises as a member of the tenant's family. No. 7 of 1896, s. 1.

Distress for  
interest on  
mortgage

5. The right of a mortgagee of land or his assigns to distress for interest in arrear or principal due upon a mortgage shall notwithstanding anything stated to the contrary in the mortgage or in any agreement relating to the same be limited to the goods and chattels of the mortgagor or his assigns and as to such goods and chattels to such only as are not exempt from seizure under execution. No. 16 of 1898, s. 1.

Notice of sale

6. Goods distrained for such interest or principal shall not be sold except after such notice as is required to be given by a landlord who sells goods distrained for rent. No. 16 of 1898, s. 2.

## SCHEDULE.

1. Levying distress . . . . . \$1 00
2. Man in possession, per day . . . . . 1 50
3. Appraisement, whether by one appraiser or more, two cents on the dollar on the value of goods up to \$500 and one per cent. on the dollar for each additional \$500 or fraction thereof up to \$2,000, and one-half per cent. on all sums over that amount.
4. All reasonable and necessary disbursements for advertising.
5. Catalogue, sale, commission and delivery of goods, three per cent. on the net proceeds of the goods up to \$1,000 and one and one-half per cent. thereafter.

## CHAPTER 35.

### An Ordinance respecting Arbitration.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Arbitration Ordinance*." No. 29 of 1891-2, s. 1. Short title

#### INTERPRETATION.

2. In this Ordinance unless the contrary intention appears: Interpretation

1. "Submission" means a written agreement to submit present or future differences to arbitration whether an arbitrator is named therein or not; "Submission"

2. "Court" means the Supreme Court of the North-West Territories; "Court"

3. "Judge" means a judge of the Supreme Court of the North-West Territories; "Judge"

4. "Rules of Court" means the rules of the Supreme Court of the North-West Territories. No. 29 of 1891-92, s. 17. "Rules of court"

#### REFERENCES BY CONSENT OUT OF COURT.

3. A submission unless a contrary intention is expressed therein shall be irrevocable except by leave of the court or a judge and shall have the same effect in all respects as if it had been made an order of court. No. 29 of 1891-2, s. 2. Effect of submission

4. A submission unless a contrary intention is expressed therein shall be deemed to include the provisions set forth in the schedule to this Ordinance so far as they are applicable to the reference under submission. No. 29 of 1891-92, s. 3. Submission includes provisions in schedule

5. If any party to a submission or any person claiming through or under him commences any legal proceedings in any court against any other party to the submission or any person claiming through or under him in respect of any matter agreed to be referred any party to such legal proceedings may at any time after appearance and before delivering any pleadings or taking any other steps in the proceedings apply to that court to stay the proceedings and that court or a judge thereof if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that the applicant was at the time when the proceedings were commenced and still remains ready and willing to do all things necessary to the proper conduct of the arbitration may make an order staying the proceedings. No. 29 of 1891-92, s. 4. Stay of proceedings

**6. In any of the following cases :**

Appointment  
of arbitrator  
in certain  
cases

- (a) Where a submission provides that a reference shall be to a single arbitrator and all the parties do not after differences concur in the appointment of an arbitrator ;
- (b) If an arbitrator refuses to act or is incapable of acting or dies and the submission does not show that it was intended that the vacancy should not be supplied and the parties do not supply the vacancy ;
- (c) Where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him ;
- (d) Where an appointed umpire or arbitrator refuses to act or is incapable of acting or dies and the submission does not show that it was intended that the vacancy should not be supplied and the parties or arbitrators do not supply the vacancy ;

any party may serve the other parties or the arbitrators as the case may be with a written notice to appoint an arbitrator, umpire, or third arbitrator. If the appointment is not made within seven clear days after the service of the notice the Court or a judge may on application by the party who gave the notice appoint an arbitrator, umpire or third arbitrator who shall have the like powers to act in the reference and make an award as if he had been appointed by consent of all parties. No. 29 of 1891-92, s. 5.

Appointment  
of arbitrators,  
where two  
required

**7. Where a submission provides that the reference shall be to two arbitrators one to be appointed by each party then unless the submission expresses a contrary intention—**

1. If either of the appointed arbitrators refuses to act or is incapable of acting or dies the party who appointed him may appoint a new arbitrator in his place ;

2. If on such a reference one party fails to appoint an arbitrator either originally or by way of substitution as aforesaid for seven clear days after the other party having appointed his arbitrator has served the party making default with notice to make the appointment the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference and his award shall be binding on both parties as if he had been appointed by consent :

Provided that the Court or a judge may set aside any appointment made in pursuance of this section. No. 29 of 1891-92, s. 6.

Powers of  
arbitrator

**8. The arbitrators or umpire acting under a submission shall unless the submission expresses a contrary intention have power :**

1. To administer oaths to or take the affirmations of the parties and witnesses appearing ; and

2. To state an award as to the whole or part thereof in the form of a special case for the opinion of the Court ; and

3. To correct in an award any clerical mistake or error arising from any accidental slip or omission. No. 29 of 1891-92, s. 7.

**9.** For the purpose of procuring the attendance of a witness Summoning of witnesses at an arbitration any party to a submission may sue out a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum* but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

(2) Such writs may be obtained from any clerk of the court or deputy clerk of the court on payment of the fees prescribed in *The Judicature Ordinance*. No. 29 of 1891-92, s. 8.

**10.** The time for making an award may from time to time Enlargement of time for award be enlarged by order of the Court or a judge whether the time for making an award has expired or not. No. 29 of 1891-92, s. 9.

**11.** In all cases of reference to arbitration the Court or a judge may from time to time remit the matters referred or any Reconsideration by arbitrator of them to the reconsideration of the arbitrators or umpire ;

(2) Where an award is remitted the arbitrators or umpire shall unless the order otherwise directs make their award within six weeks after the date of the order. No. 29 of 1891-92, s. 10.

**12.** Where an arbitrator or umpire has misconducted him- Misconduct of arbitrator self the Court or a judge may remove him.

(2) Where an arbitrator or umpire has misconducted himself Setting aside award or an arbitration or award has been improperly procured the Court may set the award aside. No. 29 of 1891-92, s. 11.

**13.** An award on a submission may by leave of the Court or a judge be enforced in the same manner as a judgment or order Enforcement of award to the same effect. No. 29 of 1891-92, s. 12.

#### GENERAL.

**14.** The Court or a judge may order that a writ of subpoena *ad testificandum* or of subpoena *duces tecum* shall issue to compel the attendance before an official or special referee or before any arbitrator or umpire of a witness wherever he may be within the Territories. Attendance of witness before referee or arbitrator

(2) The Court or a judge may also order that a writ of *habeas corpus ad testificandum* shall issue to bring up a prisoner for examination before an official or special referee or before any arbitrator or umpire. No. 29 of 1891-92, s. 13.

**15.** Any referee, arbitrator or umpire may, at any stage of the proceedings under a reference, and shall if so directed by the Court or a judge state in the form of a special case for the opinion of the Court any question of law arising in the course of the reference. Special case for opinion of court No. 29 of 1891-92, s. 14.

**16.** Any order made under this Ordinance may be made on such terms as to costs or otherwise as the authority making the order thinks just. Costs No. 29 of 1891-92, s. 15.

Directions for  
arbitration to  
be deemed  
submission

**17.** Whenever it is directed by any Ordinance that any party or parties shall proceed to the appointment of arbitrators or appoint arbitrators as provided by this Ordinance or that any party or parties shall proceed to arbitration under this Ordinance or any similar direction shall be made with respect to arbitration under this Ordinance such direction shall be deemed a submission. No. 38 of 1897, s. 18.

## SCHEDULE.

Single  
arbitrator

(a) If no other mode of reference is provided the reference shall be to a single arbitrator.

Umpire

(b) If the reference is to two arbitrators the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

Time and  
manner of  
award

(c) The arbitrators shall make their award in writing within six weeks after entering on the reference or after having been called on to act by notice in writing from any party to the submission or on or before any later day to which the arbitrators by any writing signed by them may from time to time enlarge the time for making the award.

Arbitrators  
not agreeing,  
umpire to act

(d) If the arbitrators have allowed their time or extended time to expire without making an award or have delivered to any party to the submission or to the umpire a notice in writing stating that they cannot agree the umpire may forthwith enter on the reference in lieu of the arbitrators.

Time for  
umpire's  
award

(e) The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired or on or before any later day to which the umpire by any writing signed by him may from time to time enlarge the time for making his award.

Examination  
of parties

(f) The parties to the reference and all persons claiming through them respectively shall subject to any legal objection submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute and shall subject as aforesaid produce before the arbitrators or umpire all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

Production  
of papers

Oath or  
affirmation

(g) The witnesses on the reference shall if the arbitrators or umpire think fit be examined on oath or affirmation.

Finality of  
award

(h) The award to be made by the umpire or arbitrators shall be final and binding on the parties and the persons claiming under them respectively.

Costs of  
reference

(i) The costs of the reference and award shall be in the discretion of the arbitrators or umpire who may direct to and by whom and in what manner the costs or any part thereof shall be paid and may tax or settle the amount of costs to be so paid or any part thereof. No. 29 of 1893.



## CHAPTER 36.

### An Ordinance respecting the Investigation of Accidents by Fire.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Any justice of the peace may subject to the provisions hereinafter contained institute an inquiry into the cause or origin of any fire and whether it was kindled by design or was the result of negligence or accident and act according to the result of such inquiry. No. 16 of 1895, s. 1 ; No. 38 of 1897, s. 19 (1, 2). Magistrate empowered to inquire into cause of fires.

2. No justice of the peace shall institute an inquiry into the cause or origin of any such fire until a sworn statement in writing has been made before him that there is reasonable suspicion that such fire was the result of culpable or negligent conduct or design or occurred under such circumstances as in the interests of justice and for the due protection of property require an investigation nor until such statement having been received by him he has reported the same to the attorney general and received from the attorney general authority to make such inquiry. No. 16 of 1895, s. 2 ; No. 38 of 1897, s. 19 (3). No inquiry to be held except on reasonable suspicion

3. For the purpose of any inquiry under this Ordinance such justice of the peace shall summon and bring before him all persons whom he deems capable of giving information or evidence touching or concerning such fire and shall examine such persons on oath and shall reduce their examinations to writing and return the same to the attorney general. No. 16 of 1895, s. 4 ; No. 38 of 1897, s. 19 (5). Examination of witnesses

4. If any person having been duly summoned as a witness to give evidence upon any such inquiry does not after being openly called three times appear and give evidence at such inquiry the justice of the peace shall be empowered to impose upon the person so making default such fine as he thinks fit not exceeding \$10 ; and such justice of the peace shall make out and sign a certificate containing the name, residence, trade or calling of such person together with the amount of the fine imposed and the cause of such fine and shall cause a copy of such certificate to be served on the person so fined personally or by leaving it at his residence within seven days after holding such inquiry and if the same is not paid within the space of seven days after such certificate has been served as aforesaid a warrant of distress shall be issued by the justice of the peace to be levied on the goods and chattels of such offender and in default of such distress or if such distress shall prove insufficient such justice of the peace may commit the offender to prison for any term not exceeding twenty-one days. No. 16 of 1895, s. 5 ; No. 38 of 1897, s. 19 (6). Penalty for not attending as witness

# TITLE IV.

## RELATING TO REAL PROPERTY.

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### CHAPTER 37.

#### An Ordinance Respecting Land held by two or more Persons.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Owners to hold  
as tenants in  
common  
unless  
intention  
otherwise

**1.** Whenever by any letters patent, transfer, conveyance, assurance, will or other assignment land or any interest in land is granted, transferred, conveyed, assigned or devised to two or more persons other than executors or trustees in fee simple or for any less estate legal or equitable such persons shall take as tenants in common and not as joint tenants unless an intention sufficiently appears on the face of such letters patent, conveyance, assurance, will or other assignment that they take as joint tenants. R.O. c. 54, s. 1.

## CHAPTER 38.

### An Ordinance respecting the Holding of Lands in Trust for Religious Societies and Congregations.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. When any religious society or congregation of Christians in the Territories desire to take a conveyance or transfer of land for the site of a church, chapel, meeting house, burial ground, residence or glebe for the minister or for the support of public worship and the propagation of Christian knowledge such society or congregation may appoint trustees, to whom and their successors to be appointed in such manner as may be specified in the deed of conveyance or transfer or by resolution passed in the manner provided for in the tenth section of this Ordinance the land requisite for all or any of the purposes aforesaid may be conveyed or transferred and such trustees and their successors in perpetual succession by the name expressed in the deed or resolution may take hold and possess the land and maintain and defend all actions or suits for the protection thereof or of their property therein :

Trustee may be appointed to hold lands

Provided always that no religious society or congregation shall be capable of holding under the provisions of this Ordinance more than three hundred and twenty acres of land. R.O. c. 35, s. 1 ; No. 17 of 1898, s. 1.

Lands not to exceed 320 acres

2. Such trustees shall within twelve months after the execution of the transfer or deed of conveyance as authorised in the next preceding section cause the title to the land described therein to be registered in the land titles office of the land registration district in which the land is situated, otherwise the said deed or transfer shall be void. R.O. c. 35, s. 2 ; No. 17 of 1898, s. 1.

Conveyance to be registered within one year

3. When a debt has been or may hereafter be contracted for the building, repairing, extending or improving a church, chapel, meetinghouse or residence for the minister on land held by trustees under the provisions of this Ordinance or for the purchase of the land on which the same has been or is intended to be erected the trustees or a majority of them may from time to time secure payment of the debt or any part thereof with or without interest by mortgage upon the land, church, chapel, meetinghouse or residence for the minister or may borrow money to pay the debt or any part thereof and may secure the repayment of the loan with or without interest by a like mortgage. R.O. c. 35, s. 3.

Debts secured by mortgage

Power to borrow

4. The trustees may lease for any term not exceeding twenty-one years land held by them under this Ordinance or part

Land may be leased

thereof at such rent and upon such terms as the trustees or a majority of them may deem reasonable:

Provided always that the trustees shall not lease any land which at the time of the making of the lease is necessary for the purpose of erecting a church, chapel, meetinghouse or residence for the minister or for a burial ground for the religious society or congregation for whose use the land is held; and

When consent  
of society or  
congregation  
to lease  
necessary

Provided further that the trustees shall not lease the land so held by them or any part thereof for a term exceeding three years without the consent of the religious society or congregation for whose use the land is held, which consent shall be signified by resolution passed by the votes of a majority of those persons who by the constitution of the said religious society or congregation or by the practice of the church with which it is connected are entitled to vote in respect of church business, present at a meeting of the religious society or congregation duly called for the purpose of considering the proposed lease. R.O. c. 35, s. 4.

Renewal  
of lease

**5.** In any lease made under the last preceding section the trustees may covenant or agree for the renewal thereof at the expiration of any or every term of twenty-one years for a further term of twenty-one years or any less period at such rent and on such terms as may then by the trustees for the time being be agreed upon with the lessee, his executors, administrators or assigns or may covenant or agree for the payment to the lessee, his executors, administrators or assigns of the value of any buildings or other improvements which may at the expiration of any term be on the demised premises; and the mode of ascertaining the amount of such rent or the value of such improvements may also be provided for in the original or any subsequent lease. R.O. c. 35, s. 5.

Trustees to  
have powers  
of landlords

**6.** The trustees for the time being holding land under this Ordinance which has been leased under the powers contained in the fourth and fifth sections of this Ordinance may take all such means and proceedings for the recovery of rent or arrears of rent which landlords are by law entitled to take. R.O. c. 35, s. 6.

Sale of land

**7.** When land held by trustees for the use of a religious society or congregation becomes unnecessary to be retained for such use and it is deemed advantageous to sell the same the trustees for the time being may give public notice of an intended sale, specifying the premises to be sold, the terms of payment and the time of sale and after publication of the notice not less than once in each week for four successive weeks in a newspaper published in or near the place where the land is situated, sell the land at public auction according to notice, but the trustees shall not be obliged to complete or carry a sale into effect if in their judgment an adequate price is not offered for the land; and in such a case the trustees may at a subsequent time sell the land either at public auction or private sale but a less sum shall not be accepted at private sale than was offered at public sale. R.O. c. 35, s. 7.

**8.** Before a deed or transfer is executed in pursuance of a public or private sale the religious society or congregation for whose use the land is held shall be notified and the sanction of a judge of the Supreme Court usually exercising jurisdiction in the judicial district in which the land is situated, obtained for the execution of the deed. R.O. c. 35, s. 8; No. 17 of 1898, s. 1.

**9.** Trustees selling or leasing land under the authority of this Ordinance shall in the month of January in each year at a meeting of the religious society or congregation duly called according to the constitution thereof or according to the practice of the church with which it is connected, have ready and open for the inspection of the said society or congregation and of any and every member thereof a statement showing all rents which accrued during the preceding year and all sums of money in their hands for the use and benefit of the said society or congregation which were in any manner derived from the land under their control or subject to their management or from the proceeds of the sale thereof and also showing the manner in which they may have expended or dealt with the said money or any part thereof. R.O. c. 35, s. 9.

**10.** When land is granted, transferred or conveyed to trustees for the use of any religious society or congregation and the grant, transfer or deed of conveyance of such land does not specify the manner in which the successors to the trustees therein named are to be appointed the religious society or congregation for whose use such land is held may at a meeting of the said society or congregation duly called according to the constitution thereof or according to the practice of the church with which it is connected, by the votes of a majority of those persons who by the constitution of the said society or congregation or by the practice of the church with which it is connected are entitled to vote in respect of church business, then present at such meeting, pass a resolution specifying the manner in which the successors of the trustees for the time then being are to be appointed and such resolution indorsed on or annexed to the deed, transfer or conveyance under which the land is held for the use of the said society or congregation signed by the chairman and secretary of the meeting at which the resolution is adopted shall govern and regulate the manner in which the successors of the trustees named in the original grant or conveyance shall be appointed and from and after the passing of such resolution the provisions of this Ordinance shall apply to the said society or congregation and the trustees thereof. R.O. c. 35, s. 10; No. 17 of 1898, s. 1.

**11.** In the case of a congregation connected with the Presbyterian Church in Canada for the use or benefit of which land is now held or may hereafter be held by The Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada for Manitoba and the North-West pursuant to the powers contained in the Act of Parlia-

ment of Canada passed in the forty-sixth year of the reign of Her Majesty and chaptered 97, incorporating the said board of management, in the case of any congregation of the said church which has received from the said board a loan under the provisions of the said Act, no resolution passed under the last preceding section shall have any force or be operative until the same has been submitted to the said board of management and the consent thereto of the said board of management has been engrossed in writing under their corporate seal. R.O. c. 35, s. 11.

# TITLE V.

## RELATING TO MERCANTILE LAW.

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### CHAPTER 39.

An Ordinance respecting the Sale of Goods.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

**1.** This Ordinance may be cited as “ *The Sale of Goods Or-* Short title  
*dinance.*” No. 10 of 1896, s. 60.

#### INTERPRETATION.

**2.** In this Ordinance unless the context or subject matter Interpretation  
otherwise requires :

- (a) “ Action ” includes counterclaim and set off ;
- (b) “ Buyer ” means a person who buys or agrees to buy goods ;
- (c) “ Contract of sale ” includes an agreement to sell as well as the sale ;
- (d) “ Delivery ” means voluntary transfer of possession from one person to another ;
- (e) “ Document of title to goods ” has the same meaning as it has in *The Factors’ Ordinance* ;
- (f) “ *Factors’ Ordinance* ” means *The Factors’ Ordinance* and any enactment amending or substituted for the same ;
- (g) “ Fault ” means wrongful act or default ;
- (h) “ Future goods ” means goods to be manufactured or acquired by the seller after the making of the contract of sale ;
- (i) “ Goods ” includes all chattels personal other than things in action or money. The term includes implements, industrial growing crops and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale ;
- (j) “ Property ” means the general property in goods and not merely a special property ;

- (k) "Quality of goods" includes their state or condition ;
- (l) "Sale" includes a bargain and sale as well as a sale and delivery ;
- (m) "Seller" means a person who sells or agrees to sell goods ;
- (n) "Specific goods" means goods identified and agreed upon at the time a contract of sale is made ;
- (o) "Warranty" means an agreement with reference to goods which are the subject of a contract of sale but collateral to the main purpose of such contract, the breach of which gives rise to a claim for damages but not to a right to reject the goods and treat the contract as repudiated.

(2) A thing is deemed to be done "in good faith" within the meaning of this Ordinance when it is in fact done honestly whether it be done negligently or not.

(3) A person is deemed to be insolvent within the meaning of this Ordinance who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due.

(4) Goods are in a "deliverable state" within the meaning of this Ordinance when they are in such a state that the buyer would under the contract be bound to take delivery of them. No 10 of 1896, s. 58.

## PART I.

### FORMATION OF THE CONTRACT.

#### *Contract of Sale.*

Sale and  
agreement  
to sell

3. A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a money consideration called the price. There may be a contract of sale between one part owner and another.

(2) A contract of sale may be absolute or conditional.

(3) Where under a contract of sale the property in the goods is transferred from the seller to the buyer the contract is called a sale ; but where the transfer of the property in the goods is to take place at a future time or subject to some condition thereafter to be fulfilled the contract is called an agreement to sell.

(4) An agreement to sell becomes a sale when the time elapses or the conditions are fulfilled subject to which the property in the goods is to be transferred. No. 10 of 1896, s. 1.

Capacity to  
buy and sell

4. Capacity to buy and sell is regulated by the general law concerning capacity to contract and to transfer and acquire property :



Provided that where necessaries are sold and delivered to an <sup>Proviso</sup> infant or minor or to a person who by reason of mental incapacity or drunkenness is incompetent to contract he must pay a reasonable price therefor. "Necessaries" in this section means goods suitable to the condition in life of such infant or minor or other person and to his actual requirements at the time of the sale and delivery. No. 10 of 1896, s. 2.

*Formalities of the Contract.*

**5.** Subject to the provisions of this Ordinance and of any <sup>Contract of</sup> Ordinance in that behalf a contract of sale may be made in <sup>sale, how</sup> writing (either with or without seal) or by word of mouth or <sup>made</sup> partly in writing and partly by word of mouth or may be implied from the conduct of the parties :

Provided that nothing in this section shall affect the law <sup>re- Proviso</sup> relating to corporations. No. 10 of 1896, s. 3.

**6.** A contract for the sale of any goods of the value of fifty <sup>Contract</sup> dollars or upwards shall not be enforceable by action unless <sup>of sale for \$50</sup> the buyer shall accept part of the goods so sold and actually <sup>and upwards</sup> receive the same or give something in earnest to bind the contract or in part payment or unless some note or memorandum in writing of the contract be made and signed by the party to be charged or his agent in that behalf.

(2) The provisions of this section apply to every such contract notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract be actually made, procured or provided or fit or ready for delivery or some act may be requisite for the making or completing thereof or rendering the same fit for delivery.

(3) There is an acceptance of goods within the meaning of this section when the buyer does any act in relation to the goods which recognises a pre-existing contract of sale whether there be an acceptance in performance of the contract or not. No. 10 of 1896, s. 4.

*Subject matter of Contract.*

**7.** The goods which form the subject of a contract of sale <sup>Existing or</sup> may be either existing goods owned or possessed by the seller <sup>future goods</sup> or goods to be manufactured or acquired by the seller after the making of the contract of sale, in this Ordinance called "future goods."

(2) There may be a contract for the sale of goods the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where by a contract of sale the seller purports to effect a present sale of future goods the contract operates as an agreement to sell the goods. No. 10 of 1896, s. 5.

**8.** Where there is a contract for the sale of specific goods <sup>Goods which</sup> and the goods without the knowledge of the seller have perished <sup>have perished</sup>

ed at the time when the contract is made, the contract is void. No. 10 of 1896, s. 6.

Goods  
perishing  
before sale  
but after  
agreement  
to sell

**9.** Where there is an agreement to sell specific goods and subsequently the goods without any fault on the part of the seller or buyer perish before the risk passes to the buyer the agreement is thereby avoided. No. 10 of 1896, s. 7.

### *The Price.*

Ascertain-  
ment of price

**10.** The price in a contract of sale may be fixed by the contract or may be left to be fixed in manner thereby agreed or may be determined by the course of dealing between the parties.

(2) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case. No. 10 of 1896, s. 8.

Agreement  
to sell at  
valuation

**11.** Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party and such third party cannot or does not make such valuation the agreement is avoided :

Provided that if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2) Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain an action for damages against the party in fault. No. 10 of 1896, s. 9.

### *Conditions and Warranties.*

Stipulations  
as to time

**12.** Unless a different intention appears from the terms of the contract stipulations as to time of payment are not deemed to be of the essence of a contract of sale. Whether any other stipulation as to time is of the essence of the contract or not depends on the terms of the contract.

(2) In a contract for sale "month" means *prima facie* calendar month. No. 10 of 1896, s. 10.

When  
condition  
to be treated  
as warranty

**13.** Where a contract or sale is subject to any condition to be fulfilled by the seller the buyer may waive the condition or may elect to treat the breach of such condition as a breach of warranty and not as a ground for treating the contract as repudiated.

(a) Whether a stipulation in a contract of sale is a condition the breach of which may give rise to a right to treat the contract as repudiated or a warranty the breach of which may give rise to a claim for damages but not to a right to reject the goods and treat the contract as repudiated depends in each case on the construction of the contract. A stipulation may be a condition though called a warranty in the contract.

- (b) Where a contract of sale is not severable and the buyer has accepted the goods or part thereof or where the contract is for specific goods the property in which has passed to the buyer, the breach of any condition to be fulfilled by the seller can only be treated as a breach of warranty and not as a ground for rejecting the goods and treating the contract as repudiated unless there be a term of the contract expressed or implied to that effect.

(2) Nothing in this section shall affect the case of any condition or warranty fulfillment of which is excused by law by reason of impossibility or otherwise. No. 10 of 1896, s. 11.

**14.** In a contract of sale unless the circumstances of the contract are such as to show a different intention there is : Implied undertaking as to title, etc.

1. An implied condition on the part of the seller that in the case of a sale he has a right to sell the goods and that in the case of an agreement to sell he will have a right to sell the goods at the time when the property is to pass ;

2. An implied warranty that the buyer shall have and enjoy quiet possession of the goods ;

3. An implied warranty that the goods shall be free from any charge or encumbrance in favour of any third party, not declared or known to the buyer before or at the time when the contract is made. No. 10 of 1896, s. 12.

**15.** When there is a contract for the sale of goods by description there is an implied condition that the goods shall correspond with the description ; and if the sale be by sample as well as by description it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description. Sale by description No. 10 of 1896, s. 13.

**16.** Subject to the provisions of this Ordinance and of any Ordinance in that behalf there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale except as follows : Implied conditions as to quality or fitness

1. Where the buyer expressly or by implication makes known to the seller the particular purpose for which the goods are required so as to show that the buyer relies on the seller's skill or judgment and the goods are of a description which it is in the course of the seller's business to supply (whether he be the manufacturer or not) there is an implied condition that the goods shall be reasonably fit for such purpose :

Provided that in the case of a contract for the sale of a specified article under its patent or other trade name there is no implied condition as to its fitness for any particular purpose ;

2. Where goods are bought by description from a seller who deals in goods of that description (whether he be the manufacturer or not) there is an implied condition that the goods shall be of merchantable quality :

Provided that if the buyer has examined the goods there

shall be no implied condition as regards defects which such examination ought to have revealed ;

3. An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade ;

4. An express warranty or condition does not negative a warranty or condition implied by this Ordinance unless inconsistent therewith. No. 10 of 1896, s. 14.

### *Sale by Sample.*

Sale by  
sample

**17.** A contract of sale is a contract for sale by sample where there is a term in the contract express or implied to that effect.

(2) In the case of a contract for sale by sample :

- (a) There is an implied condition that the bulk shall correspond with the sample in quality ;
- (b) There is an implied condition that the buyer shall have a reasonable opportunity of comparing the bulk with the sample ;
- (c) There is an implied condition that the goods shall be free from any defect rendering them unmerchantable which would not be apparent on reasonable examination of the sample. No. 10 of 1896, s. 15.

## PART II.

### EFFECTS OF THE CONTRACT.

#### *Transfer of Property as between Seller and Buyer.*

Goods must  
be ascertained

**18.** Where there is a contract for the sale of unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained. No. 10 of 1896, s. 16.

Property  
passes when  
intended  
to pass

**19.** Where there is a contract for the sale of specific or ascertained goods the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties regard shall be had to the terms of the contract, the conduct of the parties and the circumstances of the case. No. 10 of 1896, s. 17.

Rules for  
ascertaining  
intention

**20.** Unless a different intention appears the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer :

*Rule I.*—Where there is an unconditional contract for the sale of specific goods in a deliverable state the property in the goods passes to the buyer when the contract is made and it is immaterial whether the time of payment or the time of delivery or both be postponed.

*Rule II.*—Where there is a contract for the sale of specific goods and the seller is bound to do something to the goods for the purpose of putting them into a deliverable state the property does not pass until such thing be done and the buyer has notice thereof.

*Rule III.*—Where there is a contract for the sale of specific goods in a deliverable state but the seller is bound to weigh, measure, test or do some other act or thing with reference to the goods for the purpose of ascertaining the price, the property does not pass until such act or thing be done and the buyer has notice thereof.

*Rule IV.*—When goods are delivered to the buyer on approval or “on sale or return” or other similar terms the property therein passes to the buyer :

- (a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction ;
- (b) If he does not signify his approval or acceptance to the seller but retains the goods without giving notice of rejection then if a time has been fixed for the return of the goods, on the expiration of such time ; and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

*Rule V.*—Where there is a contract for the sale of unascertained or future goods by description and goods of that description and in a deliverable state are unconditionally appropriated to the contract either by the seller with the assent of the buyer or by the buyer with the assent of the seller the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied and may be given either before or after the appropriation is made ;

- (2) Where in pursuance of the contract the seller delivers the goods to the buyer or to a carrier or other bailee or custodier (whether named by the buyer or not) for the purpose of transmission to the buyer and does not reserve the right of disposal he is deemed to have unconditionally appropriated the goods to the contract. No. 10 of 1896. s. 18.

**21.** Where there is a contract for the sale of specific goods or where goods are subsequently appropriated to the contract the seller may by the terms of the contract or appropriation reserve the right of disposal of the goods until certain conditions are fulfilled. In such case, notwithstanding the delivery of the goods to the buyer or to a carrier or other bailee or custodier for the purpose of transmission to the buyer, the property in the goods does not pass to the buyer until the conditions imposed by the seller are fulfilled.

Reservation  
of right of  
disposal

- 2. Where goods are shipped and by the bill of lading the

goods are deliverable to the order of the seller or his agent the seller is *prima facie* deemed to have the right of disposal.

3. Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading to the buyer together to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honour the bill of exchange and if he wrongfully retains the bill of lading the property in the goods does not pass to him. No. 10 of 1896, s. 19.

Risk *prima facie* passes with property

**22.** Unless otherwise agreed the goods remain at the seller's risk until the property therein is transferred to the buyer but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not :

Provided that where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault :

Provided also that nothing in this section shall affect the duties or liabilities of either seller or buyer as a bailee or custodian of the goods of the other party. No. 10 of 1896, s. 20.

### *Transfer of Title.*

Sale by person not owner

**23.** Subject to the provisions of this Ordinance, where goods are sold by a person who is not the owner thereof and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

Provided also that nothing in this Ordinance shall affect :

- (a) The provisions of *The Factors' Ordinance* or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof ;
- (b) The validity of any contract or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction. No. 10 of 1896, s. 21.

Sale under voidable title

**24.** When the seller of goods has a voidable title thereto but his title has not been voided at the time of sale the buyer acquires a good title to the goods provided he buys them in good faith and without notice of the seller's defect of title. No. 10 of 1896, s. 23.

Seller or buyer in possession after sale

**25.** Where a person having sold goods continues or is in possession of the goods or of the documents of title to the goods the delivery or transfer by that person or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge or other disposition thereof to any person receiving the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer was expressly authorised by the owner of the goods to make the same.

(2) Where a person having bought or agreed to buy goods obtains with the consent of the seller possession of the goods or the documents of title to the goods, the delivery or transfer to that person or by a mercantile agent acting for him of the goods or documents of title under any sale, pledge or other disposition thereof to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner.

(3) In this section the term "mercantile agent" has the same meaning as in *The Factors' Ordinance*. No. 10 of 1896, s. 24.

### PART III.

#### *Performance of the Contract.*

**26.** It is the duty of the seller to deliver the goods and of the buyer to accept and pay for them in accordance with the terms of the contract of sale. No. 10 of 1896, s. 25. Duties of seller and buyer

**27.** Unless otherwise agreed delivery of the goods and payment of the price are concurrent conditions; that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods. No. 10 of 1896, s. 26. Payment and delivery are concurrent conditions

**28.** Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract express or implied between the parties. Apart from any such contract express or implied the place of delivery is the seller's place of business if he have one and, if not, his residence : Rules as to delivery

Provided that if the contract be for the sale of specific goods which to the knowledge of the parties when the contract is made are in some other place, then that place is the place of delivery.

(2) Where under the contract of sale the seller is bound to send the goods to the buyer but no time for sending them is fixed the seller is bound to send them within a reasonable time.

(3) Where the goods at the time of the sale are in possession of a third person there is no delivery by seller to buyer unless and until such third person acknowledges to the buyer that he holds the goods on his behalf :

Provided that nothing in this section shall affect the operation of the issue or transfer of any document of title to goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller. No. 6 of 1896, s. 27.

Delivery of  
wrong  
quantity

**29.** Where the seller delivers to the buyer a quantity of goods less than he contracted to sell the buyer may reject them but if the buyer accepts the goods so delivered he must pay for them at contract rate.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell the buyer may accept the goods included in the contract and reject the rest or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement or course of dealing between the parties. No. 10 of 1896, s. 28.

Instalment  
deliveries

**30.** Unless otherwise agreed the buyer of goods is not bound to accept delivery thereof by instalments.

(2) Where there is a contract for the sale of goods to be delivered by stated instalments which are to be separately paid for and the seller makes defective deliveries in respect of one or more instalments or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it is a question in each case depending on the terms of the contract and the circumstances of the case whether the breach of contract is a repudiation of the whole contract or whether it is a severable breach giving rise to a claim for compensation but not to a right to treat the whole contract as repudiated. No. 10 of 1896, s. 29.

Delivery to  
carrier

**31.** Where in pursuance of a contract of sale the seller is authorised or required to send the goods to the buyer delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is *prima facie* deemed to be a delivery of the goods to the buyer.

(2) Unless otherwise authorised by the buyer the seller must make such contract with the carrier on behalf of the buyer as may be reasonable having regard to the nature of the goods and the other circumstances of the case. If the seller omits so to do and the goods are lost or damaged in course of transit the buyer may decline to treat the delivery to the carrier as a delivery to himself or may hold the seller responsible in damages.

(3) Unless otherwise agreed where goods are sent by the seller to the buyer by a route involving sea transit under circumstances in which it is usual to insure, the seller must



give such notice to the buyer as may enable him to insure them during their sea transit and if the seller fails to do so the goods shall be deemed to be at his risk during such sea transit. No. 10 of 1896, s. 30.

**32.** Where the seller of goods agrees to deliver them at his own risk at a place other than that where they are when sold the buyer must nevertheless unless otherwise agreed take any risk of deterioration in the goods necessarily incident to the course of transit. No. 10 of 1896, s. 31.

Risk where goods delivered at distant place

**33.** Where goods are delivered to the buyer which he has not previously examined he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

Buyer's right of examining goods

(2) Unless otherwise agreed when the seller tenders delivery of goods to the buyer he is bound on request to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract. No. 10 of 1896, s. 32.

**34.** The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them or when the goods have been delivered to him and he does any act in relation to them which is inconsistent with the ownership of the seller or when after the lapse of a reasonable time he retains the goods without intimating to the seller that he has rejected them. No. 10 of 1896, s. 33.

Acceptance

**35.** Unless otherwise agreed where goods are delivered to the buyer and he refuses to accept them having the right so to do, he is not bound to return them to the seller but it is sufficient if he intimates to the seller that he refuses to accept them. No. 10 of 1896, s. 34.

Buyer not bound to return rejected goods

**36.** When the seller is ready and willing to deliver the goods and requests the buyer to take delivery and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery and also for a reasonable charge for the care and custody of the goods:

Liability of buyer for neglecting or refusing delivery of goods

Provided that nothing in this section shall affect the rights of the seller where the neglect or refusal of the buyer to take delivery amounts to a repudiation of the contract. No. 10 of 1896, s. 35.

#### PART IV.

##### *Rights of Unpaid Seller against the Goods.*

**37.** The seller of the goods is deemed to be an "unpaid seller" within the meaning of this Ordinance—

Unpaid seller defined

- (a) When the whole of the contract price has not been paid or tendered ;
- (b) When a bill of exchange or other negotiable instrument has been received as conditional payment and the condition on which it was received has not been fulfilled by reason of the dishonour of the instrument or otherwise.

(2) In this part of this Ordinance the term “seller” includes any person who is in the position of a seller as for instance an agent of the seller to whom the bill of lading has been indorsed or a consigner or agent who has himself paid or is directly responsible for the price. No. 10 of 1896, s. 36.

Unpaid seller's  
rights

**38.** Subject to the provisions of this Ordinance and of any Ordinance in that behalf, notwithstanding that the property in the goods may have passed to the buyer the unpaid seller of goods as such has by implication of law—

- (a) A lien on the goods or right to retain them for the price while he is in possession of them ;
- (b) In the case of the insolvency of the buyer a right of stopping the goods *in transitu* after he has parted with the possession of them ;
- (c) A right of resale as limited by this Ordinance.

(2) Where the property in goods has not passed to the buyer the unpaid seller has in addition to his other remedies a right of withholding delivery similar to and coextensive with his rights of lien and stoppage *in transitu* where the property has passed to the buyer. No. 10 of 1896, s. 37.

#### *Unpaid Seller's Lien.*

Seller's lien

**39.** Subject to the provisions of this Ordinance the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price, in the following cases namely :

- (a) Where the goods have been sold without any stipulation as to credit ;
- (b) Where the goods have been sold on credit but the term of credit has expired ;
- (c) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer. No. 10 of 1896, s. 38.

Part delivery

**40.** Where an unpaid seller has made part delivery of the goods he may exercise his right of lien or retention on the remainder unless such part delivery has been made under such circumstances as to show an agreement to waive the lien or right of retention. No. 10 of 1896, s. 39.

**41.** The unpaid seller of goods loses his lien or right of retention thereon— Termination of lien

- (a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the right of disposal of the goods;
- (b) When the buyer or his agent lawfully obtains possession of the goods;
- (c) By waiver thereof.

(2) The unpaid seller of goods having a lien or right of retention thereon does not lose his lien or right of retention by reason only that he has obtained judgment or decree for the price of the goods. No. 10 of 1896, s. 40.

### *Stoppage in Transitu.*

**42.** Subject to the provisions of this Ordinance when the buyer of goods becomes insolvent the unpaid seller who has parted with the possession of the goods has the right of stopping them *in transitu* that is to say he may resume possession of the goods as long as they are in course of transit and may retain them until payment or tender of the price. No. 10 of 1896, s. 41. Right of stoppage in transitu

**43.** Goods are deemed to be in course of transit from the time when they are delivered to a carrier, by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer or his agent in that behalf takes delivery of them from such carrier or other bailee. Duration of transit

(2) If the buyer or his agent in that behalf obtains delivery of the goods before their arrival at the appointed destination the transit is at an end.

(3) If after the arrival of the goods at the appointed destination the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent the transit is at an end and it is immaterial that a further destination for the goods may have been indicated by the buyer.

(4) If the goods are rejected by the buyer and the carrier or other bailee continues in possession of them the transit is not deemed to be at an end even if the seller has refused to receive them back.

(5) When goods are delivered to a ship chartered by the buyer it is a question depending on the circumstances of the particular case whether they are in the possession of the master as a carrier or as agent to the buyer.

(6) Where the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf the transit is deemed to be at an end.

(7) Where part delivery of the goods has been made to the buyer or his agent in that behalf the remainder of the goods may be stopped *in transitu* unless such part delivery has been

made under such circumstances as to show an agreement to give up possession of the whole of the goods. No. 10 of 1896, s. 42.

How stoppage  
in transitu  
effected

**44.** The unpaid seller may exercise his right of stoppage *in transitu* either by taking actual possession of the goods or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice to be effectual must be given at such time and under such circumstances that the principal by the exercise of reasonable diligence may communicate it to his servant or agent in time to prevent a delivery to the buyer.

(2) When notice of stoppage *in transitu* is given by the seller to the carrier or other bailee in possession of the goods he must redeliver the goods to or according to the direction of the seller. The expenses of such redelivery must be borne by the seller. No. 10 of 1896, s. 43.

#### *Resale by Buyer or Seller.*

Effect of  
subsale or  
pledge by  
buyer

**45.** Subject to the provisions of this Ordinance the unpaid seller's right of lien or retention or stoppage *in transitu* is not affected by any sale or other disposition of the goods which the buyer may have made unless the seller has assented thereto :

Provided that where a document of title of goods has been lawfully transferred to any person as buyer or owner of the goods and that person transfers the document to a person who takes the document in good faith and for valuable consideration then if such last mentioned transfer was by way of sale, the unpaid seller's right of lien or retention or stoppage *in transitu* is defeated and if such last mentioned transfer was by way of pledge or other disposition for value the unpaid seller's right of lien or retention or stoppage *in transitu* can only be exercised subject to the rights of the transferee. No. 10 of 1896, s. 44.

Sale not  
generally  
rescinded by  
lien or  
stoppage *in  
transitu*

**46.** Subject to the provisions of this section a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or retention or stoppage *in transitu*.

(2) Where an unpaid seller who has exercised his right of lien or retention or stoppage *in transitu* resells the goods the buyer acquires a good title thereto as against the original buyer ;

(3) Where the goods are of a perishable nature or where the unpaid seller gives notice to the buyer of his intention to resell and the buyer does not within a reasonable time pay or tender the price the unpaid seller may resell the goods and recover from the original buyer damages for any loss occasioned by his breach of contract.

(4) Where the seller expressly reserves a right of resale in

case the buyer should make default and on the buyer making default resells the goods the original contract of sale is thereby rescinded but without prejudice to any claim the seller may have for damages. No. 10 of 1896, s. 45.

## PART V.

### ACTIONS FOR BREACH OF THE CONTRACT.

#### *Remedies of the Seller.*

**47.** Where under a contract of sale the property in the goods has passed to the buyer and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract the seller may maintain an action against him for the price of the goods. Action for price

(2) Where under a contract of sale the price is payable on a day certain, irrespective of delivery, and the buyer wrongfully neglects or refuses to pay such price the seller may maintain an action for the price although the property in the goods has not passed and the goods have not been appropriated to the contract.

(3) Nothing in this section shall prejudice the right of the seller to recover interest on the price from the date of tender of the goods or from the date on which the price was payable, as the case may be. No. 10 of 1896, s. 46.

**48.** Where the buyer wrongfully neglects or refuses to accept and pay for the goods the seller may maintain an action against him for damages for nonacceptance. Damages for non-acceptance

(2) The measure of damages is the estimated loss directly and naturally resulting in the ordinary course of events from the buyer's breach of contract.

(3) Where there is an available market for the goods in question the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted or if no time was fixed for acceptance then at the time of the refusal to accept. No. 10 of 1896, s. 47.

#### *Remedies of the Buyer.*

**49.** Where the seller wrongfully neglects or refuses to deliver the goods to the buyer the buyer may maintain an action against the seller for damages for nondelivery. Damages for non-delivery

(2) The measure of damages is the estimated loss directly and naturally resulting in the ordinary course of events from the seller's breach of contract.

(3) Where there is an available market for the goods in question the measure of damages is *prima facie* to be ascertained

by the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered or if no time was fixed then at the time of the refusal to deliver. No. 10 of 1896, s. 48.

Specific  
performance

**50.** In any action for breach of contract to deliver specific or ascertained goods the Court may if it thinks fit on the application of the plaintiff by its judgment or decree direct that the contract shall be performed specifically without giving the defendant the option of retaining the goods on payment of damages. The judgment or decree may be unconditional or upon such terms and conditions as to damages, payment of the price and otherwise as to the Court may seem just and the application by the plaintiff may be made at any time before judgment or decree. No. 10 of 1896, s. 49.

Remedy for  
breach of  
warranty

**51.** Where there is a breach of warranty by the seller or where the buyer elects or is compelled to treat any breach of a condition on the part of the seller as a breach of warranty the buyer is not by reason only of such breach of warranty entitled to reject the goods; but he may—

(a) Set up against the seller the breach of warranty in diminution or extinction of the price; or

(b) Maintain an action against the seller for damages for the breach of warranty.

(2) The measure of damages for breach of warranty is the estimated loss directly and naturally resulting in the ordinary course of events from the breach of warranty.

(3) In the case of breach of warranty of quality such loss is *prima facie* the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

(4) The fact that the buyer has set up the breach of warranty in diminution or extinction of the price does not prevent him from maintaining an action for the same breach of warranty if he has suffered further damage. No. 10 of 1896, s. 50.

Interest and  
special  
damages

**52.** Nothing in this Ordinance shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable or to recover money paid where the consideration for the payment of it has failed. No. 10 of 1896, s. 51.

## PART VI.

### SUPPLEMENTARY.

Exclusion of  
implied terms  
and conditions

**53.** Where any right, duty or liability would arise under a contract of sale by implication of law it may be negatived or varied by express agreement or by the course of dealing between the parties or by usage if the usage be such as to bind both parties to the contract. No. 10 of 1896, s. 52.

**54.** Where by this Ordinance any reference is made to a reasonable time the question what is a reasonable time is a question of fact. No. 10 of 1896, s. 53. Reasonable time a question of fact

**55.** Where any right, duty or liability is declared by this Ordinance it may unless otherwise by this Ordinance provided be enforced by action. No. 10 of 1896, s. 54. Rights, etc., enforceable by action

**56.** In the case of a sale by auction :

Auction sales

(1) Where goods are put up for sale by auction in lots each lot is *prima facie* deemed to be the subject of a separate contract of sale.

(2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer or in other customary manner. Until such announcement is made any bidder may retract his bid.

(3) Where a sale by auction is not notified to be subject to a right to bid on behalf of the seller it shall not be lawful for the seller to bid himself or to employ any person to bid at such sale or for the auctioneer knowingly to take any bid from the seller or any such person. Any sale contravening this rule may be treated as fraudulent by the buyer.

(4) A sale by auction may be notified to be subject to a reserve or upset price and the right to bid may also be reserved expressly by or on behalf of the seller. Where a right to bid is expressly reserved, but not otherwise, the seller or any one person on his behalf may bid at the auction. No. 10 of 1896, s. 55.

**57.** Where a buyer has elected to accept goods which he might have rejected and to treat a breach of contract as only giving rise to a claim for damages he may in an action by the seller for the price be required, in the discretion of the Court before which the action depends, to consign or pay into court the price of the goods or part thereof or to give other reasonable security for the due payment thereof. No. 10 of 1896, s. 56. Payment into court when breach of warranty alleged

**58.** The rules of the common law including the law merchant save in so far as they are inconsistent with the express provisions of this Ordinance and in particular the rules relating to the law of principal and agent and the effect of fraud, misrepresentation, duress, or coercion, mistake or other invalidating cause shall continue to apply to contracts for the sale of goods. Existing laws preserved subject hereto

(2) Nothing in this Ordinance shall affect the enactments relating to bills of sale or any enactment relating to the sale of goods which is not expressly repealed by this Ordinance.

(3) The provisions of this Ordinance relating to contracts of sale do not apply to any transaction in the form of a contract of sale which is intended to operate by way of mortgage, pledge, charge or other security. No. 10 of 1896, s. 57. Mortgages or pledges

## CHAPTER 40.

### An Ordinance respecting Factors and Agents.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

#### SHORT TITLE.

Short title      1. This Ordinance may be cited as "*The Factors' Ordinance*." No. 9 of 1896, s. 15.

#### INTERPRETATION.

- Interpretation      2. For the purposes of this Ordinance—
- "Mercantile agent"      1. The expression "mercantile agent" shall mean a mercantile agent having, in the customary course of his business as such agent, authority either to sell goods or to consign goods for the purpose of sale or to buy goods or to raise money on the security of goods;
2. A person shall be deemed to be in possession of goods or of the documents of title to goods where the goods or documents are in his actual custody or are held by any other person subject to his control or for him or in his behalf;
- "Goods"      3. The expression "goods" shall include wares and merchandise;
- "Document of title"      4. The expression "document of title" shall include any bill of lading, dock warrant, warehousekeeper's certificate or warrant or order for the delivery of goods and any other document used in the ordinary course of business as proof of the possession or control of goods or authorising or purporting to authorise either by indorsement or delivery the possessor of the document to transfer or receive goods thereby represented;
- "Pledge"      5. The expression "pledge" shall include any contract pledging or giving a lien or security on goods whether in consideration of an original advance or of any further or continuing advance or of any pecuniary liability;
- "Person"      6. The expression "person" shall include any body of persons corporate or unincorporate. No. 9 of 1896, s. 1.

#### DISPOSITIONS BY MERCANTILE AGENTS.

Powers of mercantile agents respecting disposition of goods      3. Where a mercantile agent is, with the consent of the owner, in possession of goods or of the documents of title to goods any sale, pledge or other disposition of the goods made by him when acting in the ordinary course of business of a mercantile agent shall subject to the provisions of this Ordinance be as valid as if he were expressly authorised by the owner of the goods to make the same:



Provided that the person taking under the disposition acts in good faith and has not at the time of the disposition notice that the person making the disposition has not authority to make the same.

(2) Where a mercantile agent has, with the consent of the owner, been in possession of goods or of the documents of title to goods any sale, pledge or other disposition which would have been valid if the consent had continued, shall be valid notwithstanding the determination of the consent :

Provided that the person taking under the disposition has not at the time thereof notice that the consent has been determined.

(3) Where a mercantile agent has obtained possession of any documents of title to goods by reason of his being or having been with the consent of the owner in possession of the goods represented thereby or of any other documents of title to the goods his possession of the first-mentioned documents shall for the purposes of this Ordinance be deemed to be with the consent of the owner.

(4) For the purposes of this Ordinance the consent of the owner shall be presumed in the absence of evidence to the contrary. No. 9 of 1896, s. 2.

4. A pledge of the documents of title to goods shall be deemed to be a pledge of the goods. No. 9 of 1896, s. 3.

Effect of  
pledge of  
documents  
of title

5. Where a mercantile agent pledges goods as security for a debt or liability due from the pledgor to the pledgee before the time of the pledge, the pledgee shall acquire no further right to the goods than could have been enforced by the pledgor at the time of the pledge. No. 9 of 1896, s. 4.

Pledge for  
antecedent  
debt

6. The consideration necessary for the validity of a sale, pledge or other disposition of goods in pursuance of this Ordinance may be either a payment in cash or the delivery or transfer of other goods or of a document of title to goods or of a negotiable security or any other valuable consideration ; but where goods are pledged by a mercantile agent in consideration of the delivery or transfer of other goods or of a document of title to goods or of a negotiable security the pledgee shall acquire no right or interest in the goods so pledged in excess of the value of the goods, documents or security when so delivered or transferred in exchange. No. 9 of 1896, s. 5.

Rights  
acquired by  
exchange of  
goods or  
documents

7. For the purposes of this Ordinance an agreement made with a mercantile agent through a clerk or other person authorised in the ordinary course of business to make contracts of sale or pledge on his behalf shall be deemed to be an agreement with the agent. No. 9 of 1896, s. 6.

Agreements  
through  
clerks, etc.

8. Where the owner of goods has given possession of the goods to another person for the purpose of consignment or sale or has shipped the goods in the name of another person and the

Provisions as  
to consignors  
and consignees

consignee of the goods has not had notice that such person is not the owner of the goods the consignee shall in respect of advances made to or for the use of such person have the same lien on the goods as if such person were the owner of the goods and may transfer any such lien to another person.

(2) Nothing in this section shall limit or affect the validity of any sale, pledge or disposition by a mercantile agent. No. 9 of 1896, s. 7.

#### DISPOSITIONS BY BUYERS AND SELLERS OF GOODS.

Disposition  
by seller  
remaining in  
possession

**9.** Where a person having sold goods continues or is in possession of the goods or of the documents of title to the goods the delivery or transfer by that person or by a mercantile agent acting for him of the goods or documents of title under any sale, pledge or other disposition thereof or under any agreement for sale, pledge or other disposition thereof to any person receiving the same in good faith and without notice of the previous sale shall have the same effect as if the person making the delivery or transfer were expressly authorised by the owner of the goods to make the same. No. 9 of 1896, s. 8.

Disposition  
by buyer  
obtaining  
possession

**10.** Where a person having bought or agreed to buy goods obtains with the consent of the seller possession of the goods or the documents of title to the goods, the delivery or transfer by that person or by a mercantile agent acting for him of the goods or documents of title under any sale, pledge or other disposition thereof or under any agreement for sale, pledge or other disposition thereof to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner. No. 9 of 1896, s. 9.

Effect of  
transfer of  
documents on  
vendor's lien  
or right of  
stoppage *in  
transitu*

**11.** Where a document of title to goods has been lawfully transferred to a person as buyer or owner of the goods and that person transfers the document to a person who takes the document in good faith and for valuable consideration the last mentioned transfer shall have the same effect for defeating any vendor's lien or right of stoppage *in transitu* as the transfer of a bill of lading has for defeating the right of stoppage *in transitu*. No. 9 of 1896, s. 10.

#### SUPPLEMENTAL.

Mode of  
transferring  
documents

**12.** For the purposes of this Ordinance the transfer of a document may be by indorsement or where the document is by custom or by its express terms transferable by delivery or makes the goods deliverable to the bearer then by delivery. No. 9 of 1896, s. 11.

Liability  
of agent

**13.** Nothing in this Ordinance shall authorise an agent to exceed or depart from his authority as between himself and

his principal or exempt him from any liability civil or criminal for so doing.

(2) Nothing in this Ordinance shall prevent the owner of goods from recovering the goods from an agent or assignee under an assignment for the benefit of creditors at any time before the sale or pledge thereof or shall prevent the owner of goods pledged by an agent from having the right to redeem the goods at any time before the sale thereof on satisfying the claim for which the goods were pledged and paying to the agent, if by him required, any money in respect of which the agent would by law be entitled to retain the goods or the documents of title thereto or any of them by way of lien as against the owner or from recovering from any person with whom the goods have been pledged any balance of money remaining in his hands as the produce of the sale of the goods after deducting the amount of his lien. Saving for rights of true owner

(3) Nothing in this Ordinance shall prevent the owner of goods sold by an agent from recovering from the buyer the price agreed to be paid for the same or any part of that price subject to any right of set-off on the part of the buyer against the agent. No. 9 of 1896, s. 12.

**14.** The provisions of this Ordinance shall be construed in amplification and not in derogation of the powers exercisable by an agent independently of this Ordinance. No. 9 of 1896, Saving for common law, powers of agent s. 13.

## CHAPTER 41.

### An Ordinance respecting Choses in Action.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Assignment  
of debts and  
*choses in  
action*

1. Every debt and any *chose in action* arising out of contract shall be assignable at law by any form of writing which shall contain apt words in that behalf but subject to such conditions and restrictions in respect to the right of transfer as may appertain to the original debt or as may be connected with or be contained in the original contract and the assignee thereof may bring an action thereon in his own name as the party might to whom the debt was originally owing or to whom the right of action originally arose or he may proceed in respect of the same as though this Ordinance had not been passed. R.O. c. 50, s. 1.

"Assignee"

2. The term "assignee" in the next preceding section shall include any person now being or hereafter becoming entitled to any first or subsequent assignment or transfer or any derivative title to a debt or *chose in action* and possessing, at the time of the suit or action being instituted, the whole and entire beneficial interest therein and the right to receive the subject or proceeds thereof and to give effectual discharge therefor. R.O. c. 50, s. 2.

Action for  
debt on  
assignment

3. The plaintiff in any action or suit for the recovery of the subject of any assignment made in conformity with the two next preceding sections shall in his statement of claim set forth briefly the chain of assignments showing how he claims title but in all other respects the proceedings may be the same as if the action were brought in the name of the original creditor or of the person to whom the cause of action accrued. R.O. c. 50, s. 3.

Equities of  
debtor against  
assignor  
before notice

4. In case of any assignment of a debt or *chose in action* arising out of contract and not assignable by delivery such assignment shall be subject to any defence or set-off in respect of the whole or any part of such debt or *chose in action* arising out of contract existing at the time of the notice of assignment to the debtor or person sought to be made liable in the same manner and to the same extent as such defence or set-off would be effectual in case there had been no assignment thereof and such defence or set-off shall apply as between the debtor and any assignee of such debt or *chose in action* arising out of contract. R.O. c. 50, s. 4.

Assignee's  
rights after

5. In case of any assignment made in conformity with the provisions hereof and notice thereof given to the debtor or

person liable in respect of the subject of such assignment the assignee shall have, hold and enjoy the same free of any claims, defences or equities which may have arisen subsequent to such notice by any act of the assignor or otherwise. R.O. c. 50, s. 5.

**6.** The bonds or debentures of corporations made payable to bearer or any person named therein or bearer may be transferred by delivery alone and such transfer shall vest the property in such bonds or debentures in the transferee or in the holder thereof and any such holder may bring any action or suit on or in respect of any such bonds or debentures in his own name. R.O. c. 50, s. 6.

**7.** The provisions of the preceding sections shall not be construed to apply to bills of exchange or promissory notes or instruments which are negotiable or in respect of which the property therein passes by mere delivery. R.O. c. 50, s. 7.

## CHAPTER 42.

### An Ordinance respecting Preferential Assignments.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Fraudulent  
and  
preferential  
assignments

1. Every gift, conveyance, assignment or transfer, delivery over or payment of goods, chattels or effects or of bonds, bills, notes, securities or of shares, dividends, premiums or bonus in any bank, company or corporation made by any person at any time when he is in insolvent circumstances or is unable to pay his debts in full or knows that he is on the eve of insolvency with intent to defeat or delay or prejudice his creditors or to give to any one or more of them a preference over his other creditors or over any one or more of them or which has such effect shall as against them be utterly void. R.O. c. 49, s. 1.

Pressure

2. Every such gift, conveyance, assignment, transfer, delivery over or payment whether made owing to pressure or partly owing to pressure or not, which has the effect of defeating, delaying or prejudicing creditors or giving one or more of them a preference shall as against the other creditors of such debtor be utterly void. No. 38 of 1897, s. 21.

Assignments  
for creditors  
and *bona fide*  
transactions

3. Nothing in this Ordinance shall apply to any deed of assignment made and executed by a debtor for the purpose of paying and satisfying rateably and proportionately and without preference or priority all the creditors of such debtor their just debts or any *bona fide* sale of goods or payment made in the ordinary course of trade or calling, to innocent purchasers or parties. R.O. c. 49, s. 2.

## CHAPTER 43.

### An Ordinance respecting Mortgages and Sales of Personal Property.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited and known as "*The Bills of Sale Ordinance.*" No. 40 of 1898, s. 7.

#### REGISTRATION DISTRICTS.

2. For the purposes of the registration of mortgages and other transfers of personal property in the Territories the following shall be registration districts:

1. The registration district of "Moosomin," comprising that part of the Provisional District of Assiniboia as is defined by the Order of the Privy Council of Canada passed on the eighth day of May A.D. 1882, eastward of the eleventh range of townships west of the second meridian and south of a line which may be described as follows: Commencing at a point where the line between townships twenty and twenty-one in the Dominion Lands system of survey intersects the western boundary of the Province of Manitoba, thence westerly following the said line between townships twenty and twenty-one to its intersection with the line between ranges seven and eight west of the second meridian, thence northerly along the line between ranges seven and eight to its intersection with the line between townships twenty-two and twenty-three, thence westerly along the line between the said townships twenty-two and twenty-three to its intersection with the line between ranges ten and eleven west of the second meridian in the Dominion Lands system of survey;

2. The registration district of "Yorkton," comprising that part of the said Provisional District of Assiniboia, eastward of the eleventh range of townships west of the second meridian and north of the north boundary of the registration district of Moosomin;

3. The registration district of "Regina," comprising that part of the said Provisional District of Assiniboia west of the registration district of Moosomin and east of the west line of the twenty-third range of townships west of the second meridian;

4. The registration district of "Moose Jaw," comprising that part of the Provisional District of Assiniboia west of the registration district of Regina and east of the west line of the twenty-third range of townships west of the third meridian;

- Medicine Hat district 5. The registration district of "Medicine Hat," comprising all that portion of the said Provisional District of Assiniboia west of the registration district of Moose Jaw ;
- Macleod district 6. The registration district of "Macleod," comprising all that portion of the Provisional District of Alberta as defined by the said Order of the Privy Council lying south of township seventeen ;
- Calgary district 7. The registration district of "Calgary," comprising all that part of the said Provisional District of Alberta lying between townships sixteen and forty-three ;
- Edmonton district 8. The registration district of "Edmonton," comprising all that portion of the said Provisional District of Alberta lying north of township forty-two ;
- Battleford district 9. The registration district of "Battleford," comprising all that portion of the Provisional District of Saskatchewan as defined by the said Order of the Privy Council lying west of the fifth range of townships west of the third meridian ;
- Prince Albert district 10. The registration district of "Prince Albert," comprising all that portion of the said Provisional District of Saskatchewan lying east of the Battleford registration district.
- New districts (2) The Lieutenant Governor in Council may from time to time constitute any other portion of the Territories a registration district and appoint a registration clerk therefor and designate at what place the office of such clerk shall be kept. No. 8 of 1895, s. 2 ; No. 38 of 1897, s. 33.

## REGISTRATION CLERKS.

- Present clerks continued 3. The registration clerks for the existing registration districts are hereby continued in office and shall severally hold office during pleasure and their offices shall be kept at places to be designated by the Lieutenant Governor in Council.
- Appointments by Lieutenant Governor in Council (2) In the event of any vacancy occurring in the office of registration clerk by reason of death, resignation or otherwise the vacancy shall be filled by the Lieutenant Governor in Council. No. 8 of 1895, s. 3 ; No. 38 of 1897, s. 22 (2).
4. The registration clerks under this Ordinance shall keep their respective offices open between the hours of ten in the forenoon and four in the afternoon on all days excepting Sundays and holidays and except on Saturdays and during the period of vacation prescribed by *The Judicature Ordinance* when the same shall be closed at one o'clock in the afternoon and during office hours only shall registrations be made. No. 8 of 1895, s. 30 ; No. 24 of 1896, s. 6 ; No. 40 of 1898, s. 7.
5. No registration clerk shall draw or prepare any document or conveyance which may be filed or registered in his office under the provisions of this or any other Ordinance. No. 40 of 1898, s. 7.



## MORTGAGES AND SALES OF CHATTELS. FORM AND REGISTRATION.

**6.** Every mortgage or conveyance intended to operate as a mortgage of goods and chattels which is not accompanied by an immediate delivery and an actual and continued change of possession of the things mortgaged shall within thirty days from the execution thereof be registered as hereinafter provided together with the affidavit of a witness thereto of the due execution of such mortgage or conveyance and also with the affidavit of the mortgagee or one of several mortgagees or the agent of the mortgagee or mortgagees if such agent is aware of all the circumstances connected therewith and is properly authorised by power in writing to take such mortgage in which case a copy of such authority shall be attached thereto (save as hereinafter provided under section 21 hereof) such last mentioned affidavit stating that the mortgagor therein named is justly and truly indebted to the mortgagee in the sum mentioned in the mortgage, that it was executed in good faith and for the express purpose of securing the payment of money justly due or accruing due and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagor or of preventing the creditors of such mortgagor from obtaining payment of any claim against him; and every such mortgage or conveyance shall operate or take effect upon from and after the day and time of the filing thereof. No. 8 of 1895, s. 4; No. 24 of 1896, s. 1.

**7.** Except as to cases provided in the next following section of this Ordinance a mortgage or conveyance intended to operate as a mortgage of goods and chattels may be made in accordance with form A in the schedule to this Ordinance. No. 8 of 1895, s. 24.

**8.** In case of an agreement in writing for future advances for the purpose of enabling the borrower to enter into and carry on business with such advances and in case of a mortgage of goods and chattels for securing the mortgagee repayment of such advances or in case of a mortgage of goods and chattels for securing the mortgagee against the indorsement of any bills or promissory notes or any other liability by him incurred for the mortgagor not extending for a longer period than two years from the date of the mortgage and in case the mortgage is executed in good faith and sets forth fully by recital or otherwise the terms, nature and effect of the agreement and the amount of liability intended to be created and in case such mortgage is accompanied by the affidavit of a witness thereto of the due execution thereof and by the affidavit of the mortgagee or one of several mortgagees or in case the agreement has been entered into and the mortgage taken by an agent duly authorised by writing to make such agreement and take such mortgage, in which case a copy of such authority shall be attached thereto, and if the agent is aware of the circumstances connected therewith, then, if accompanied by the affidavit of such agent, such affidavit whether of the mortgagee or his

agent, stating that the mortgage truly sets forth the agreement entered into between the parties thereto and truly states the extent of the liability intended to be created by such agreement and covered by such mortgage and that such mortgage is executed in good faith and for the express purpose of securing the mortgagee repayment of his advances or against the payment of the amount of his liability for the mortgagor, as the case may be, and not for the purpose of securing the goods and chattels mentioned therein against the creditors of the mortgagor nor to prevent such creditors from recovering any claims which they may have against such mortgagor and in case such mortgage is registered as hereinafter provided within thirty days from the execution thereof the same shall be as valid and binding as mortgages mentioned in the sixth section of this Ordinance. No. 8 of 1895, s. 5.

Sale of goods  
not attended  
by delivery  
and change of  
possession

**9.** Every sale, assignment and transfer of goods and chattels not accompanied by an immediate delivery and followed by an actual and continued change of possession of the goods and chattels sold shall be in writing and such writing shall be a conveyance under the provisions of this Ordinance and shall be accompanied by an affidavit of a witness thereto of the due execution thereof and an affidavit of the bargainee or one of several bargainees or of the agent of the bargainee or bargainees duly authorised in writing to take such conveyance (a copy of which authority shall be attached to the conveyance) that the sale is *bona fide* and for good consideration as set forth in the said conveyance and not for the purpose of holding or enabling the bargainee to hold the goods mentioned therein against the creditors of the bargainor; and such conveyance and affidavits shall be registered as hereinafter provided within thirty days from the execution thereof otherwise the sale shall be absolutely void as against the creditors of the bargainor and as against subsequent purchasers or mortgagees in good faith. No. 8 of 1895, s. 6.

Registration  
only affects  
district where  
made

**10.** Such registration shall only have effect in the registration district wherein such registration has been made. No. 8 of 1895, s. 7.

Omission to  
register or  
false  
statement of  
consideration

**11.** In case such mortgage or conveyance and affidavits are not registered as hereinbefore provided or in case the consideration for which the same is made is not truly expressed therein the mortgage or conveyance shall be absolutely null and void as against creditors of the mortgagor and against subsequent purchasers or mortgagees in good faith for valuable consideration. No. 8 of 1895, s. 8; No. 38 of 1897, s. 22 (3).

Description  
of property

**12.** All the instruments mentioned in this Ordinance whether for the mortgage or sale, assignment or transfer of goods and chattels shall contain such sufficient and full description thereof that the same may be readily and easily known and distinguished except in the case of assignments for the general benefit of creditors in which case the description shall

Assignment  
for benefit of  
creditors

be sufficient if it is in the following words: "All my personal property which may be seized and sold under execution," or words to that effect. No. 8 of 1895, s. 9.

**13.** The proper registration officer for instruments being mortgages and transfers of personal property shall be the clerk of the registration district in which the property described in the mortgage or transfer is at the time of the execution of the instrument; such registration clerks shall file all such instruments presented to them respectively for that purpose and shall indorse thereon the time of receiving the same in their respective offices and the same shall be kept there for the inspection of the public, subject to the payment of the proper fees. No. 8 of 1895, s. 10.

Registration to be in district where property situate

**14.** Every such clerk shall number each instrument or copy filed in his office and shall enter in alphabetical order in a book to be provided by him the names of all the parties to such instrument with the number indorsed thereon opposite to each name: and such entry shall be repeated alphabetically under the name of every party thereto. No. 8 of 1895, s. 11.

Clerk to enter instruments in a book

#### CONVEYANCES OF GROWING OR FUTURE CROPS.

**15.** No mortgage, bill of sale, lien, charge, incumbrance, conveyance, transfer or assignment hereafter made, executed or created and which is intended to operate and have effect as a security shall in so far as the same assumes to bind, comprise, apply to or affect any growing crop or crop to be grown in future in whole or in part, be valid except the same be made, executed or created as a security for the purchase price and interest thereon of seed grain.

Securities on crops

(2) Every mortgage or encumbrance upon growing crops or crops to be grown, made or created to secure the purchase price of seed grain shall be held to be within the provisions of this Ordinance and the affidavit of *bona fides* among the other necessary allegations shall contain a statement that the same is taken to secure the purchase price of seed grain.

Crop mortgages to secure price of seed grain

(3) No mortgage or encumbrance to secure the price of seed grain shall be given upon any crop which is not sown within one year of the date of the execution of the said mortgage or encumbrance.

Crop must be sown within one year from mortgage

(4) Every registration clerk shall keep a separate register of such seed grain mortgages and shall be entitled to receive the same fees for his services as provided for under section 33 of this Ordinance.

Separate register of seed grain mortgages

(5) Every such seed grain mortgage so taken and filed shall not be affected by or subject to any chattel mortgage or bill of sale previously given by the mortgagor or by any writ of execution against the mortgagor in the hands of the sheriff at the time of the registration of such seed grain mortgage but such seed grain mortgage shall be a first and preferential security for the sum therein mentioned. The date of the purchase

Seed grain mortgages preferential security

Particulars to be given of seed grain, the number of bushels and price per bushel must be stated in the mortgage as well as in the affidavit of *bona fides*. No. 8 of 1895, s. 29; No. 24 of 1896, ss. 3, 4, 5.

#### PROCEDURE UNDER MORTGAGE ON DEFAULT.

- 16.** Unless it is otherwise specially provided therein goods and chattels assigned under a mortgage or conveyance intended to operate as a mortgage of goods and chattels shall be liable to be seized or taken possession of by the grantee for any of the following causes:
- Cause for seizure by mortgagee** 1. If the grantor shall make default in payment of the sum or sums of money thereby secured at the time therein provided for payment or in the performance of any covenant or agreement contained in the mortgage or conveyance intended to operate as a mortgage and necessary for maintaining the security;
  - Default in payment or performance of agreements** 2. If the grantor shall without the written permission of the grantee either remove or suffer the goods or any of them to be removed from the registration district within which they are situate;
  - Removal of goods** 3. If the grantor shall suffer the said goods or any of them to be distrained for rent, rates or taxes or shall suffer the said goods or any of them to be liable to seizure for rent by reason of default of the grantor in paying the same when due;
  - Rent or taxes** 4. If execution shall have been levied against the goods of the grantor under any judgment at law;
  - Execution** 5. If the grantor shall attempt to sell or dispose of or in any way part with the possession of the said goods. No. 8 of 1895, s. 22.
  - Attempt to dispose of goods**

#### RENEWAL OF MORTGAGES.

- 17.** Every mortgage filed in pursuance of this Ordinance shall cease to be valid as against the creditors of the persons making the same and against subsequent purchasers or mortgagees in good faith for valuable consideration after the expiration of two years from the filing thereof unless, within thirty days next preceding the expiration of the said term of two years, a statement exhibiting the interest of the mortgagee, his executors, administrators or assigns in the property claimed by virtue thereof and a full statement of the amount still due for principal and interest thereon and of all payments made on account thereof is again filed in the office of the registration clerk of the district where the property is then situate with an affidavit of the mortgagee or of one of several mortgagees or of the assignee or one of several assignees or of the agent of the mortgagee or assignee or mortgagees or assignees duly authorised for that purpose, as the case may be, stating that such statements are true and that the said mortgage has not been kept on foot for any fraudulent purpose, which statement and affidavit shall be deemed one instrument. No. 8 of 1895, s. 12.

**18.** Such statement and affidavit shall be in the following form or to the like effect:

Renewal of  
chattel  
mortgage

STATEMENT exhibiting the interest of *C.D.* in the property mentioned in the chattel mortgage dated the      day of      A.D. 1      , made between *A.B.* of      of the one part and *C.D.* of      of the other part and filed in the office of the registration clerk of the registration district of      (*as the case may be*) on the      day of      1      , and of the amount due for principal and interest thereon and of all payments made on account thereof.

The said *C.D.* is still the mortgagee of the said property and has not assigned the said mortgage (*or the said E.F. is the assignee of the said mortgage by virtue of an assignment thereof from the said C.D. to him dated the      day of      1      , or as the case may be.*)

No payments have been made on account of the said mortgage (*or the following payments and no other have been made on account of the said mortgage :*

1      .—Jan. 1—Cash received      \$      )  
The amount still due for principal and interest on the said mortgage is the sum of      dollars computed as follows:  
(*Here give the computation.*)

C. D.

NORTH-WEST TERRITORIES, }  
To Wit: }

Affidavit

I,      of      , the mortgagee named in the chattel mortgage mentioned in the foregoing (*or annexed*) statement (*or assignee of      the mortgagee named in the chattel mortgage mentioned in the foregoing or annexed statement, as the case may be*) make oath and say:

1. That the foregoing (*or annexed statement*) is true.
2. That the chattel mortgage mentioned in the said statement has not been kept on foot for any fraudulent purpose.

Sworn before me at      )  
in the North-West Territories, }  
this      day of      1      ) No. 8 of 1895, s. 13.

**19.** Another statement in accordance with the provisions of section 17 hereof duly verified as required by that section shall be filed in the office of the registration clerk of the district where the property is then situate within thirty days next preceding the expiration of the term of one year from the day of the filing of the statement required by the said section 17 and in default thereof such mortgage shall cease to be valid as against the creditors of the person making the same and as against purchasers and mortgagees in good faith for valuable consideration and so on from year to year; that is to say

Further  
renewal yearly  
after first  
renewal

another statement as aforesaid duly verified shall be filed within thirty days next preceding the expiration of one year from the day of the filing of the former statement and in default thereof such mortgage shall cease to be valid as aforesaid. No. 8 of 1895, s. 14.

Personal  
representative  
or assignee

Filing  
assignments

**20.** The affidavit required by section 17 of this Ordinance may be made by any next of kin, executor or administrator of any deceased mortgagee or by an assignee claiming by or through any mortgagee or any next of kin, executor or administrator of any such assignee; but if the affidavit is made by any assignee, next of kin, executor or administrator of any such assignee the assignment or the several assignments through which such assignee claims shall be filed in the office in which the mortgage is originally filed at or before the time of such re-filing by such assignee, next of kin, executor or administrator of such assignee. No. 8 of 1895, s. 15.

#### AGENTS' AUTHORITY TO TAKE CONVEYANCES.

Authority for  
taking  
instruments  
may be general

**21.** An authority for the purpose of taking or renewing a mortgage or conveyance intended to operate as a mortgage or sale, assignment or transfer of goods and chattels under the provisions of this Ordinance may be a general one to take and renew all or any mortgages or conveyances to the mortgagee or bargainee; and provided such general authority is duly filed with the clerk it shall not be necessary to attach a copy thereof to any mortgage filed. No. 8 of 1895, s. 26; No. 24 of 1896, s. 2.

"Mortgagee"  
to include  
agent or  
manager of  
company

**22.** For the purpose of making the affidavit of *bona fides* required by sections 6, 8 and 9 of this Ordinance and the affidavit required by section 17 of this Ordinance the expressions "mortgagee," "bargainee," or "assignee" shall, in addition to their primary meaning, mean and include the agent or manager of any mortgagee, bargainee or assignee being an incorporated company. No. 24 of 1896, s. 8.

#### OMISSIONS AND ERRORS.

Rectification  
of omissions  
and errors

**23.** Subject to the rights of third persons accrued by reason of such omissions as are hereinafter defined any judge of the Supreme Court of the Territories on being satisfied that the omission to register a mortgage or other transfer of personal property or any authority to take or renew the same or any statement and affidavit of renewal thereof within the time prescribed by this Ordinance or the omission or misstatement of the name, residence or occupation of any person was accidental or due to inadvertence or impossibility in fact, may in his discretion order such omission or misstatement to be rectified by the insertion in the register of the true name, residence or occupation or by extending the time for such registration on such terms and conditions if any as to security, notice by advertisement or otherwise or as to any other matter as he

thinks fit to direct. No. 8 of 1895, s. 23 ; No. 38 of 1897, s. 22 (5).

#### ASSIGNMENT OF MORTGAGES.

**24.** In case any registered chattel mortgage has been assigned such assignment may upon proof by the affidavit of a subscribing witness be numbered and entered in the book mentioned in section 14 hereof in the same manner as a chattel mortgage and the proceedings authorised by sections 26 and 27 of this Ordinance may and shall be had upon a certificate of the assignee proved in manner aforesaid. No. 8 of 1895, s. 20.

#### DISCHARGE OF MORTGAGES.

**25.** Where any mortgage of goods and chattels is registered under the provisions of this Ordinance such mortgage may be discharged by the filing in the office in which the same is registered of a certificate signed by the mortgagee, his executors or administrators in form B in the schedule hereto or to the like effect. No. 8 of 1895, s. 17.

**26.** The officer with whom such chattel mortgage is filed upon receiving such certificate duly proved by the affidavit of a subscribing witness shall at each place where the number of such mortgage has been entered with the name of any of the parties thereto in the book kept under section 14 of this Ordinance or wherever otherwise in the said book the said mortgage has been entered, write the words "Discharged by certificate number (stating the number of certificate)"; and he shall also indorse the fact of such discharge upon the instrument discharged and shall affix his name to such indorsement. No. 8 of 1895, s. 18.

**27.** Any person filing a discharge of mortgage or a partial discharge of mortgage as aforesaid shall be entitled to ask for and receive from such clerk a certificate (other than the certificate which might be indorsed on a copy or duplicate of the mortgage as aforesaid) of such discharge or partial discharge in the form following or to the like effect :

North-West Territories. }  
Registration District of }

Form of  
certificate

This is to certify that an instrument purporting to be a discharge in full (or a partial discharge) of a certain chattel mortgage bearing date the \_\_\_\_\_ day of \_\_\_\_\_ and filed the \_\_\_\_\_ day of \_\_\_\_\_ following, made between A.B. of \_\_\_\_\_ as mortgagor and C.D. of \_\_\_\_\_ as mortgagee has been filed in the office of the clerk of the registration district of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ (and in case of a partial discharge that the goods or property mentioned in such partial discharge consist of \_\_\_\_\_ describing the chattel or property)

E.M., Clerk.

No. 8 of 1895, s. 19.

## REMOVAL OF CHATTELS MORTGAGED.

Mortgaged  
goods not to  
be removed  
without notice

**28.** No goods or chattels under mortgage shall be removed into another registration district without a notice of the intention to remove be mailed post paid and registered to the mortgagee at his last known place of address not less than twenty days prior to such removal. No. 24 of 1896, s. 7.

Removal of  
goods to  
another  
district

**29.** In the event of the permanent removal of goods and chattels mortgaged as aforesaid from the registration district in which they were at the time of the execution of the mortgage, to another registration district before the payment and discharge of the mortgage a certified copy of such mortgage under the hand of the registration clerk in whose office it was first registered and of the affidavit and documents and instruments relating thereto filed in such office, shall be filed with the registration clerk of the district to which such goods and chattels are removed within three weeks from such removal otherwise the said goods and chattels shall be liable to seizure and sale under execution and in such case the mortgage shall be null and void as against subsequent purchasers and mortgagees in good faith for valuable consideration as if never executed. No. 8 of 1895, s. 21.

## EVIDENCE. CERTIFIED COPIES.

Certified  
copies

**30.** Copies of any instrument filed under this Ordinance, certified by the registration clerk, shall be received as *prima facie* evidence for all purposes as if the original instrument was produced and also as *prima facie* evidence of the execution of the original instrument according to the purport of such copy and the clerk's certificate shall also be *prima facie* evidence of the date and hour of registration and filing. No. 38 of 1897, s. 22 (4).

## AFFIDAVITS.

Officers for  
oaths

**31.** All affidavits and affirmations required by this Ordinance may be taken and administered by the registration clerk or any person whether in or out of the Territories authorised to administer oaths or take affidavits for use in the Supreme Court of the Territories and the sum of 25 cents shall be payable for every oath thus administered. No. 8 of 1895, s. 28; No. 38 of 1897, s. 22 (6).

## EXPIRY ON HOLIDAY OF TIME FOR FILING.

Time for filing  
expiring on  
Sunday or  
holiday

**32.** Where under any provisions of this Ordinance the time for registering or filing any mortgage, bill of sale, instrument, document, affidavit or other paper expires on a Sunday or other day on which the office in which the registering or filing is to be made or done is closed and by reason thereof the filing or registering cannot be made or done on that day the registering or filing shall so far as regards the time of doing or making the same be held to be duly done or made if done or made on the day on which the office shall next be open. No. 8 of 1895, s. 25.



## CLERK'S FEES.

**33.** For services under this Ordinance each clerk aforesaid Clerk's fees shall be entitled to receive the following fees:

1. For filing each instrument and affidavit, including the certificate on a duplicate, if any, and for entering the same in a book as aforesaid, 50 cents.

2. For filing assignment of each instrument and for making all proper indorsements in connection therewith, 50 cents;

3. For filing certificate of discharge of each instrument and for making all proper entries and indorsements connected therewith, 50 cents;

4. For searching for each paper, 25 cents;

5. For copies of any document filed under this Ordinance with certificate thereof, 10 cents for every hundred words;

6. For every certificate under section 27 of this Ordinance, 50 cents. No. 8 of 1895, s. 27.

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SCHEDULE.

## FORM A.

(Section 7.)

## MORTGAGE OF CHATTELS.

This Indenture made the                      day of                      A.D. 1  
between A.B., of                      of the one part and C.D., of  
of the other part.

Witnesseth that in consideration of the sum of \$                      now paid to A.B. by C.D. the receipt of which the said A.B. hereby acknowledges (*or whatever else the consideration may be*) he the said A.B. doth hereby assign to the said C.D. his executors, administrators and assigns all and singular the several chattels and things specifically described as follows (*or in the schedule hereto annexed*) by way of security for the payment of the sum of \$                      and interest thereon at the rate of                      per cent. per annum (*or whatever else may be the rate*) and the said A.B. doth further agree and declare that he will duly pay to the said C.D. the principal sum aforesaid together with the interest then due on the                      day of                      A.D. (*or whatever else may be the stipulated time or times for payment*). And the said A.B. doth agree with the said C.D. that he will (*here insert terms as to insurance, payment of rent, collateral securities or otherwise which the parties may agree to for the maintenance or defeasance of the security.*)

Provided always that the chattels hereby assigned shall not be liable to seizure or to be taken possession of by the said C.D. for any cause other than those specified in section 16 of

*The Bills of Sale Ordinance* except as is otherwise specially provided herein.

In witness whereof the said *A.B.* has hereunto set his hand and seal.

Signed and sealed by the said *A.B.* }  
 in the presence of me *E.F.* } *A.B.*  
*(Add name, address and occupation*  
*of witness.)* }

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FORM B.

(Section 25.)

DISCHARGE OF CHATTEL MORTGAGE.

To the registration clerk of the registration district of

I, *A.B.*, of do certify that has  
 satisfied all money due on or to grow due on a certain chattel  
 mortgage made by to which  
 mortgage bears date the day of A.D. 1  
 and was registered (*or in case the mortgage has been renewed*  
*was renewed*) in the office of the registration clerk of the  
 registration district of on  
 the A.D. 1 as  
 number (*here mention the day and date*  
*of registration of each assignment thereof and the names of the*  
*parties or mention that such mortgage has not been assigned as*  
*the fact may be*) and that I am the person entitled by law to  
 receive the money; and that such mortgage is therefore dis-  
 charged.

Witness my hand this day of A.D. 1

Witness (*stating residence and* )  
*occupation* ) *A.B.*  
*E.F.* }

## CHAPTER 44.

### An Ordinance respecting Hire Receipts and Conditional Sales of Goods.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Whenever on a sale or bailment of goods of the value of \$15 or over it is agreed, provided or conditioned that the right of property or right of possession in whole or in part shall remain in the seller or bailor notwithstanding that the actual possession of the goods passes to the buyer or bailee the seller or bailor shall not be permitted to set up any such right of property or right of possession as against any purchaser or mortgagee of or from the buyer or bailee of such goods in good faith for valuable consideration or as against judgments, executions or attachments against the purchaser or bailee unless such sale or bailment with such agreement, proviso or condition is in writing signed by the bailee or his agent and registered as hereinafter provided. Such writing shall contain such a description of the goods the subject of the bailment that the same may be readily and easily known and distinguished : <sup>Conditional sales of goods</sup>

Provided that nothing in this section shall apply to any bailment where it is not intended that the property in the goods shall eventually pass to the bailee on payment of purchase money in whole or in part or the performance of some condition by the bailee. No. 39 of 1897, s. 1 ; No. 18 of 1898, s. 1. <sup>Proviso</sup>

2. Such writing or a true copy thereof shall be registered in the office of the registration clerk for chattel mortgages in the registration district within which the buyer or bailee resides within 30 days of such sale or bailment and also in the registration district in which the goods are delivered or to which they may be removed within 30 days of such delivery or removal verified by the affidavit of the seller or bailor or his agent stating that the writing (or copy) truly sets forth the agreement between the parties and that the agreement therein set forth is *bona fide* and not to protect the goods in question against the creditors of the buyer or bailee as the case may be. No. 39 of 1897, s. 2 ; No. 18 of 1898, s. 2. <sup>Registration</sup>

3. The seller or bailor, his executors, administrators or assigns or his or their agent shall within 30 days next preceding the expiration of two years from the date of such registration file with such registration clerk a renewal statement verified by affidavit showing the amount still due to him for principal and interest if any and of all payments made on account thereof and whether or to what extent the condition if any of the bailment is still unperformed and thereafter from year to year <sup>Renewal of registration</sup>

a similar statement similarly verified within the 30 days next preceding the expiration of the year from the filing of the last renewal statement and in default of such filing the seller or bailor shall not be permitted to set up any right of property or right of possession in the said goods as against the creditors of the buyer or bailee or any purchaser or mortgagee of or from the buyer or bailee in good faith for valuable consideration. No. 39 of 1897, s. 3.

Penalty for  
false  
statement

4. Any seller or bailor or agent of such seller or bailor making any false statement in such renewal statement shall be guilty of an offence and liable on summary conviction thereof to a fine not exceeding \$100. No. 39 of 1897, s. 4.

Seller bound  
by statement  
made in  
renewal

5. Any such seller or bailor shall be bound by any statement made by him or his agent in such renewal statement and the goods shall be liable to redemption and the seller or bailor to be divested of his property and right of possession if any in the goods upon payment of the amount actually due and owing in respect thereof or upon performance of the condition of the bailment by the buyer, bailee or any person claiming by, through or under the buyer or bailee. No. 39 of 1897, s. 5.

Memorandum  
of satisfaction  
of seller

6. The seller or bailor shall upon payment or tender of the amount due in respect of such goods or performance of the conditions of the bailment sign and deliver to any person demanding it a memorandum in writing stating that his claims against the goods are satisfied and such memorandum shall thereupon operate to divest the seller or bailor of any further interest or right of possession if any in the said goods. Any such memorandum if accompanied by an affidavit of execution of an attesting witness may be registered. No. 39 of 1897, s. 6.

Retaking  
possession

7. In case the seller or bailor shall retake possession of the goods he shall retain the same in his possession for at least 20 days and the buyer, bailee or any one claiming by or through or under the buyer or bailee may redeem the same upon payment of the amount actually due thereon and the actual necessary expenses of taking possession. No. 39 of 1897, s. 7.

Five days'  
notice of sale  
to be given

8. The goods or chattels shall not be sold without five days notice of the intended sale being first given to the buyer or bailee or his successor in interest. The notice may be personally served or may in the absence of such buyer, bailee or his successor in interest be left at his residence or last place of abode or may be sent by registered letter deposited in the post office at least seven days before the time when the said five days will elapse addressed to the buyer or bailee or his successor in interest at his last known post office address in Canada. The said five days or seven days may be part of the 20 days mentioned in section 7 hereof. No. 39 of 1897, s. 8.

Copies of  
instrument to  
be evidence

9. Copies of any instrument filed under this Ordinance certified by the registration clerk shall be received as *prima facie*

evidence for all purposes as if the original instrument were produced and also as *prima facie* evidence of the execution of the original instrument according to the purport of such copy. And the clerk's certificate shall also be *prima facie* evidence of the date and hour of registration or filing. No. 39 of 1897, s. 9.

**10.** The registration clerk shall be entitled to charge a fee of 25 cents for each registration; 10 cents for each search; 10 cents per 100 words for copies of documents and 25 cents for each certificate. No. 39 of 1897, s. 10.

## CHAPTER 45.

### An Ordinance Respecting Partnerships.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### REGISTRATION OF COPARTNERSHIPS.

Declaration of partnerships to be filed in certain cases

1. All persons associated in partnership for trading, manufacturing or mining purposes in the Territories shall cause to be filed in the office of the registration clerk of the registration district for registration of chattel mortgages and other transfers of personal property in the Territories in which they carry on or intend to carry on business a declaration in writing signed by the several members of such partnership :

Where parties absent

Provided however that if any of the said members be absent from the place where they carry on or intend to carry on business at the time of making such declaration then such declaration shall be signed by the members present, in their own names and also for their absent co-members under their special authority to that effect ; such special authority to be at the same time filed with the said registration clerk and annexed to such declaration. R.O. c. 46, s. 1 ; No. 7 of 1893, ss. 1, 2 ; No. 19 of 1898, s. 1.

Contents of declaration

2. Such declaration shall be in the form A in the schedule to this Ordinance and shall contain the names, surnames, additions and residences of each and every partner or associate as aforesaid and the name, style or firm under which they carry on or intend to carry on such business and stating also the time during which the partnership has existed and is to exist also declaring that the persons therein named are the only members of such copartnership or association. R.O. c. 46, s. 2.

Time for filing declaration

3. Such declaration shall be filed within six months next after the formation of any such partnership and a similar declaration shall in like manner be filed when and so often as any change or alteration of partnership takes place in the membership of such partnership or in the name, style or firm under which they intend to carry on business or in the place of residence of each member of said firm and every new declaration shall state the alteration in the partnership. R.O. c. 46, s. 3.

Changes in firm

#### PERSON USING TRADE NAME. REGISTRATION.

Individual using trade name

4. Every person engaged in business for trading, manufacturing or mining purposes and who is not associated in partnership with any other person or persons but who uses as his business style some name or designation other than his own name or who in such business uses his own name with the

addition of "and company" or some other word or phrase indicating a plurality of members in the firm shall cause to be filed as aforesaid a declaration of the fact in writing signed by such person. R.O. c. 46, s. 4; No. 7 of 1893, s. 2; No. 19 of 1898, s. 1.

**5.** The declaration last aforesaid shall contain the name, surname, addition and residence of the person making the same and the name, style or firm under which he carries on or intends to carry on business and shall also state that no other person is associated with him in partnership and the same shall be filed within six months of the time when such style is first used. R.O. c. 46, s. 5.

Contents of individual declaration

#### REGISTRATION BOOKS.

**6.** It shall be the duty of the registration clerk aforesaid to keep two alphabetical index books of all declarations of copartnership filed in his office in pursuance of the provisions hereof. R.O. c. 46, s. 6; No. 7 of 1893, s. 2; No. 19 of 1898, s. 1.

Registration books

**7.** In one of such books, hereinafter called the "firm index book," the registration clerk shall enter in alphabetical order the style of the respective firms in respect of which declarations have been filed in his office, and shall place opposite each entry the names of the person or persons composing such firm, and the date of the receipt by him of the declaration in the manner shown in form B in the schedule to this Ordinance. R.O. c. 46, s. 7; No. 7 of 1893 s. 2; No. 19 of 1898, s. 1.

"Firm index book"

**8.** In the second of such books, hereinafter called the "individual index book," the said registration clerk shall enter in alphabetical order the names of the respective members of each of such firms and shall place opposite such entry the style of the firm of which such person is a member and the date of the receipt of the declaration in the manner shown in form C in the schedule to this Ordinance. R.O. c. 46, s. 8; No. 7 of 1893, s. 2.

"Individual index book"

#### PENALTY FOR NON REGISTRATION.

**9.** Each and every member of any partnership or other persons required to register a declaration under the provisions of this Ordinance who fails to comply with the requirements aforesaid shall forfeit the sum of one hundred dollars to be recovered before any court of competent jurisdiction by any person suing as well on his own behalf as on behalf of Her Majesty; and half of such penalty shall belong to the general revenue fund of the Territories and the other half to the party suing for the same unless the suit be brought as it may be by the attorney general on behalf of Her Majesty only, in which case the whole of the penalty shall belong to the Territories aforesaid. R.O. c. 46, s. 9; No. 38 of 1897, s. 23.

Failure to comply with Ordinance  
Penalty

EFFECT OF DECLARATION.

**10.** The allegations made in the declaration aforesaid can-  
not be controverted by any person who has signed the same  
nor can they be controverted as against any party not being a  
partner by a person who has not signed the same but who was  
really a member of the partnership therein mentioned at the  
time such declaration was made. R.O. c. 46, s. 10.

**11.** Until a new declaration is made and filed by him or by  
his copartners or any of them as aforesaid no such signer shall  
be deemed to have ceased to be a partner ; but nothing herein  
contained shall exempt from liability any person who being a  
partner fails to declare the same as already provided and such  
person may notwithstanding such omission be sued jointly with  
the partners mentioned in the declaration or they may be sued  
alone and if judgment is recovered against them any other  
partner or partners may be sued jointly or severally in an  
action on the original cause of action upon which such judg-  
ment was rendered nor shall anything in this Ordinance be  
construed to affect the rights of any partners with regard to  
each other except that no such declaration as aforesaid shall be  
controverted by any signer thereof. R.O. c. 46, s. 11.

DECLARATION OF DISSOLUTION.

**12.** Upon the dissolution of any partnership any or all of  
the persons who compose such partnership may sign and file a  
declaration certifying the dissolution of the partnership in the  
form D in the schedule to this Ordinance. R.O. c. 46, s. 12 ;  
No. 19 of 1898, s. 1.

REGISTRATION FEES.

**13.** The said registration clerk shall be entitled for filing a  
declaration under this Ordinance to a fee of fifty cents and for  
searches made in each of such books the following fees and no  
more :  
For searching in the firm index book, each firm . . . . . \$0 10  
For searching in the individual index book, each name. . . . . 10  
For each certificate, when required . . . . . 25  
R.O. c. 46, s. 13 ; No. 7 of 1893, s. 2.



### SCHEDULE.

## FORM A.

## DECLARATION OF CO-PARTNERSHIP.

NORTH-WEST TERRITORIES, } We,  
of               in               (occupation) and               of  
                (occupation) hereby certify :

1. That we have carried on and intend to carry on trade and business as \_\_\_\_\_ at \_\_\_\_\_ in partnership under the name and firm of \_\_\_\_\_ (Or I or we) the undersigned of \_\_\_\_\_ in \_\_\_\_\_ hereby certify that I (or we) have carried on and intend to carry on trade and business as \_\_\_\_\_ at \_\_\_\_\_ in partnership with \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ (as the case may be.)

2. That the said partnership has subsisted since the day of                      one thousand

3. And that we (*or I or we*) and the said \_\_\_\_\_ and \_\_\_\_\_ are and have been since the said day the only members of the said partnership.

Witness our hands at                      this                      day of  
one thousand

FORM B.

## FIRM INDEX BOOK.

| Style of firm.       | Names of persons composing the firm and their residences. | Date of filing declaration. |
|----------------------|---|-----------------------------|
| John Smith & Co. . . | John Smith, Moose Jaw .<br>Edward Ives, Regina. . . .     | 15 Sept., 1889.             |
| James Abbott & Son.  | James Abbott, Calgary . .<br>George Abbott, Calgary .     | 10 Sept., 1889.             |
| Bernard & Johnson .  | Arthur Bernard, Troy . . .<br>Alexander Johnson, Troy.    | 1 March, 1889.              |

FORM C.

INDIVIDUAL INDEX BOOK.

| Name of individual<br>and residence. | Style of firm of<br>which a member. | Date of filing<br>declaration. |
|--------------------------------------|-------------------------------------|--------------------------------|
| Abbott James, Calgary.               | James Abbott & Son . .              | 10 Sept., 1889.                |
| Abbott George, do .                  | do . .                              | do                             |
| Bernard Arthur, Troy.                | Bernard & Johnson . . .             | 1 March, 1889.                 |
| Johnson Alex., Troy . .              | Bernard & Johnson . . .             | 1 March, 1889.                 |

FORM D.

DECLARATION OF DISSOLUTION OF PARTNERSHIP.

North-West Territories, } I,  
formerly a member of the firm of carrying on business  
as at in the of  
under the style of do hereby certify that the said  
partnership was on the day of dissolved.  
Witness my hand at the day  
of one thousand  
A.B.

# TITLE VI.

## RELATING TO SPECIAL RELATIONSHIPS.

### CHAPTER 46.

#### An Ordinance respecting Marriages.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

##### SHORT TITLE.

1. This Ordinance may be cited as "*The Marriage Ordinance*." R.O. c. 29, s. 1. Short title

##### SOLEMNISATION OF MARRIAGE.

2. The ministers and clergymen of every church or religious denomination duly ordained or appointed according to the rites and ceremonies of the churches, denominations or religious bodies to which they respectively belong and commissioners and staff officers of the Salvation Army may by virtue of such ordination or appointment and according to the rites and usages of such churches, denominations or religious bodies respectively and commissioners appointed for that purpose by the Lieutenant Governor in Council may solemnise or perform the ceremony of marriage between any two persons not under a legal disqualification or disability to contract such marriage. No. 35 of 1897, s. 1. Who may perform marriage ceremony

3. No marriage commissioner shall solemnise marriage unless the parties to the intended marriage produce to him the license provided for by this Ordinance ; and no minister or clergyman or other person authorised to perform the ceremony or marriage shall solemnise marriage unless the parties to the intended marriage produce to him such license or unless the intention of the two persons to intermarry has been proclaimed by publication of banns at least thrice openly on two successive Sundays in some public religious assembly. No. 35 of 1897, s. 2 ; No 20 of 1898, s. 2. Marriage ceremony not to be performed without license or banns

4. All marriages shall be solemnised in the presence of two or more credible witnesses besides the minister, clergyman, marriage commissioner or other person performing the ceremony ; and every person solemnising a marriage shall register the same according to the provisions of *The Vital Statistics Ordinance*. R.O. c. 29, s. 11. Witnesses  
Registration

No action  
against  
person  
solemnising  
marriage

**5.** No person duly authorised who solemnises a marriage in conformity with the provisions of section 2 of this Ordinance shall be subject to any action or liability for damages or otherwise by reason of there having been any legal impediment to the marriage unless at the time when he performed the ceremony he was aware of the impediment. R.O. c. 29, s. 14.

#### ISSUE OF MARRIAGE LICENSES.

Issue of  
licenses

**6.** Marriage licenses shall be in form A in the schedule to this Ordinance and shall be supplied from the department of the attorney general and shall be issued to persons requiring the same by such persons as the Lieutenant Governor in Council may name for that purpose. No. 35 of 1897, s. 3.

Signature  
of licenses

**7.** Such licenses shall be signed by the attorney general and shall be and remain valid notwithstanding that the attorney general has ceased to hold office before the time of the issue of the license. No. 35 of 1897, s. 4.

Signature by  
issuer

**8.** Every issuer of marriage licenses shall sign each license as the same is issued by him. R.O. c. 29, s. 6.

Affidavit prior  
to grant of  
license

**9.** Before a license is granted by any issuer one of the parties to the intended marriage shall personally make an affidavit before him to the effect of form B in the schedule hereto.

(2) The affidavit may be made before any justice of the peace in any case where it is inconvenient for either of the parties to be married to attend personally before an issuer of marriage licenses :

Provided always that the reason that neither party can so attend shall be set forth in such affidavit as a justification for the issuer granting license without a personal application by one of said parties. R.O. c. 29, s. 7 ; No. 25 of 1892, s. 5.

Further  
evidence may  
be required

**10.** In case the issuer has knowledge or reason to suspect that any of the statements in the affidavit of any applicant for a marriage license are not correct the said issuer shall require further evidence to his satisfaction before issuing the license ; and a copy of all such affidavits and evidence shall be placed on file in his office. R.O. c. 29, s. 8.

Consent to  
marriage of  
minors

**11.** The father, if living, of any person under twenty-one years of age (not being a widower or widow) or if the father is dead then the mother of the minor or if both parents are dead then the lawfully appointed guardian or the acknowledged guardian who may have brought up or for three years immediately preceding the intended marriage supported or protected the minor shall have authority to give consent to such marriage. R.O. c. 29, s. 9.

Quarterly  
returns of  
licenses issued

**12.** Every issuer of marriage licenses shall on the fifteenth day of January, April, July and October in each year make a sworn return to the attorney general of all licenses issued by

him during the preceding three months with the names of the parties to whom issued and shall accompany such return with the original affidavit taken in each instance. The said return shall further state the number of unissued licenses in the custody of the issuer and shall be made in the form prescribed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may in special cases dispense with the provisions of this section and may make regulations for special returns to be made in such cases. No. 21 of 1895, s. 1; No. 6 of 1896, s. 3; No. 35 of 1897, s. 5.

**13.** Every issuer of marriage licenses shall whenever called upon by the attorney general make a sworn return of all licenses at any time supplied to him and shall return all unissued licenses if so required. No. 21 of 1895, s. 2; No. 35 of 1897, s. 6.

**14.** There shall be payable to every issuer of marriage licenses on the issue of each license by him the sum of \$3 of which such issuer shall be entitled to retain \$1 as his fee; the remainder he shall pay over to the Territorial treasurer at the time of each return made by such issuer to form part of the revenue of the Territories. R.O. c. 29, s. 12; No. 6 of 1896, s. 4; No. 35 of 1897, s. 7.

**15.** Any person unlawfully issuing a marriage license supplied from the department of the attorney general, any issuer of marriage licenses granting a license without first having obtained the affidavit required by this Ordinance, and any person solemnising a marriage contrary to the provisions of this Ordinance shall, on summary conviction thereof before two justices of the peace, for every such contravention forfeit and pay a fine not exceeding \$100 and costs of prosecution. R.O. c. 29, s. 13; No. 6 of 1896, s. 5; No. 35 of 1897, s. 8; No. 20 of 1898, s. 1.

## SCHEDULE.

### FORM A.

CANADA. }  
North-West Territories. }

These are to certify that *A.B.* of \_\_\_\_\_ and *C.D.* of \_\_\_\_\_ being minded as it is said to enter into the contract of marriage and being desirous of having the same duly solemnized the said *A.B.* (or *C.D.*) has made oath that he (or she) believes that there is no affinity, consanguinity or any other lawful cause or legal impediment to bar or hinder the solemnisation of the said marriage.

And these are therefore to certify that the requirements in this respect of the Ordinance respecting marriages have been complied with.

Given under my hand at Regina in the North-West Territories this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 19\_\_\_\_.

*Attorney General.*

Issued at \_\_\_\_\_ in the North-West Territories  
this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1\_\_\_\_\_.  
*Issuer.*

*Issuer.*

## FORM B.

I *A.B.* Bachelor (or Widower)

or

C.D. Spinster (or Widow)

make oath and say as follows :

1. I and *C.D.*, of *Spinster or Widow, (or A.B.*  
of *Bachelor or Widower)* are desirous of entering  
into the contract of marriage and of having our marriage duly  
solemnised at

2. According to the best of my knowledge and belief there is no affinity, consanguinity or any other lawful cause or legal impediment to bar or hinder the solemnisation of the said marriage.

3. I am of the age of \_\_\_\_\_ years and the said *C.D.* (or *A.B.*)  
is of the age of \_\_\_\_\_ years.

4. (In case one of the parties is under the age of twenty-one years add)

*E.F.* of \_\_\_\_\_ is the person whose consent to the said marriage is required by law and the said *E.F.* has formally consented to the said marriage.

(Or if both parties are under age)

*E.F.* of \_\_\_\_\_ and *G.H.* of \_\_\_\_\_ are the persons whose consent to the said marriage is required by law and the said *E.F.* and *G.H.* have formally consented to the said marriage.

(Or if in the case of one of the minors there is no person whose consent is required by law add according to the facts)

The father of the said *C.D. (or A.B.)* is dead and the mother of the said *C.D. (or A.B.)* is dead and the said *C.D. (or A.B.)* having no lawfully appointed or acknowledged guardian there is no person who has authority to give consent to the said marriage.

(In case both the parties are minors and there is no person whose consent is required by law add a similar statement concerning the other party according to the facts.)

(Signed)

*A.B. (or C.D.,)*

Sworn before me at \_\_\_\_\_  
in the North-West Territories  
this \_\_\_\_\_ day of \_\_\_\_\_ A.D.  
1 \_\_\_\_\_

(Signed) *I.J.*

## CHAPTER 47.

### An Ordinance respecting the Personal Property of Married Women.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. A married woman shall in respect of personal property be under no disabilities whatsoever heretofore existing by reason of her coverture or otherwise but shall in respect of the same have all the rights and be subject to all the liabilities of a *feme sole*. No. 20 of 1890, s. 2.

Personal  
property of  
married  
women

## CHAPTER 48.

### An Ordinance respecting Compensation to the Families of Persons Killed by Accidents.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

- Interpretation**      **1.** The following words and expressions shall have in this Ordinance the meanings hereby assigned to them respectively so far as such meanings are not excluded by the context or by the nature of the subject matter :
- "Parent "**            1. "Parent" shall include father, mother, grandfather, grandmother, stepfather, stepmother ; and
- "Child "**             2. "Child" shall include son, daughter, grandson, granddaughter, stepson, stepdaughter.    R.O. c. 55, s. 1.
- When compensation recoverable**      **2.** Whenever the death of a person has been caused by such wrongful act, neglect or default as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, in each case the person who would have been liable if death had not ensued shall be liable to an action for damages notwithstanding the death of the party injured.    R.O. c. 55, s. 2.
- Who to benefit by action**      **3.** Every such action shall be for the benefit of the wife, husband, parent, child, brother or sister of the person whose death has been so caused and shall be brought by and in the name of the executor or administrator of the person deceased and in every such action the court may give such damages as it thinks proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action has been brought.    R.O. c. 55, s. 3.
- Limitation of action**      **4.** Not more than one action shall lie for and in respect of the same subject matter of complaint and every such action shall be commenced within twelve months after the death of the deceased person.    R.O. c. 55, s. 4.



## CHAPTER 49.

### An Ordinance respecting Insurance for the benefit of Wife and Children.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. In this Ordinance "maturity of the policy" or "maturity of the contract," means the happening of the event or the expiration of the term at which the benefit under the policy or contract accrues due. No. 16 of 1890, s. 1. Interpretation

2. Any person may insure his life for the whole term thereof or for any definite period for the benefit of his wife and children or of his wife and some one of his children or of his children only or of some one of them and where the insurance is effected for the benefit of more than one he may apportion the amount of the insurance money as he may deem proper. No. 16 of 1890, s. 2. Husband may insure for benefit of wife or children

3. The insurance may be effected either in the name of the person whose life is insured or in the name of his wife or of any other person (with the assent of such other person) as trustee. No. 16 of 1890, s. 3. May be in name of wife or trustee

4. In case a policy or written contract of life insurance effected by a man on his life, is expressed upon the face of it to be for the benefit of his wife or his wife and children or any of them or in case he has heretofore indorsed or may hereafter indorse or by any writing identifying the policy by its number or otherwise has made or may hereafter make a declaration that the policy is for the benefit of his wife or of his wife and children or any of them such policy shall enure and be deemed a trust for the benefit of his wife for her separate use and of his children or any of them according to the intent so expressed or declared and so long as any object of the trust remains, the money payable under the policy shall not be subject to the control of the husband or his creditors or form part of his estate when the sum secured by the policy or written contract becomes payable but this shall not be held to interfere with any pledge of the policy to any person prior to such declaration. Insurance may be declared for benefit of wife or children

(2) In the case of a policy or written contract of life insurance effected before marriage a declaration under this section shall be and be deemed to have been as valid and effectual as if such policy or contract had been effected after marriage but nothing herein contained shall affect any action or proceeding now pending. No. 16 of 1890, s. 4. Antenuptial policy

Apportionment may be varied

**5.** The insured may by an instrument in writing attached to or indorsed on or identifying the policy by its number or otherwise, vary an apportionment previously made so as to extend the benefits of the policy to the wife or the children to one or more of them although the policy is expressed to be for the benefit of the wife alone or the child or children alone or although a prior declaration was so restricted; and he may also apportion the insurance money among the persons intended to be benefitted; and may from time to time by an instrument in writing attached to or indorsed on the policy or referring to the same alter the apportionment as he deems proper; he may also by his will make or alter the apportionment of the insurance money; and an apportionment made by his will shall prevail over any other made before the date of the will except so far as such other apportionment has been acted on before notice of the apportionment by the will.

Apportionment by will

(2) This section applies to policies heretofore issued as well as to future policies. No. 16 of 1890, s. 5.

Provision where no apportionment

**6.** Where no apportionment is made all persons entitled to be benefitted by the insurance shall be held to share equally in the same; and where it is stated in the policy or declaration that the insurance is for the benefit of the wife and children generally or of the children generally without specifying the names of the children the word children shall be held to mean all the children of the insured living at the maturity of the policy whether by his then or any former wife and the wife to benefit by the policy shall be the wife living at the maturity thereof. No. 16 of 1890, s. 6.

Surrender or assignment of policy

**7.** Any such policy may be surrendered or assigned:

- (a) Where the policy is for the benefit of children only and the children surviving are of the full age of twenty-one years if the person insured and all such surviving children agree to so surrender or assign; or
- (b) Where the policy is for the benefit of both a wife and children and the surviving children are all of the full age of twenty-one years if the person insured and his then wife if any and all such surviving children agree to so surrender or assign; or
- (c) Where the policy is for the benefit of a wife only or of a wife and children and there are no children living of the person insured and his then wife agrees to so surrender or assign. No. 16 of 1890, s. 6.

Apportioned policy

**8.** Where an apportionment as in sections 2 and 5 hereof provided for has been made if one or more of the persons in whose favour the apportionment has been made die in the lifetime of the insured the insured may by an instrument in writing attached to or indorsed on or otherwise referring to and identifying the policy of insurance declare that the share formerly apportioned to the person so dying shall be for the benefit of such other person or persons as he may name in that

Death of beneficiary before person insured

behalf not being other than the wife and children of the insured and in default of any such declaration the share of the person so dying shall be the property of the insured and may be dealt with and disposed of by him as he may see fit and shall at his death form part of his estate. No. 16 of 1890, s. 7.

**9.** Where no apportionment as in sections 2 and 5 hereof provided for has been made if one or more of the persons entitled to the benefit of the insurance die in the lifetime of the insured and no apportionment is subsequently made by the insured the insurance shall be for the benefit of the survivor or of the survivors of such persons in equal shares if more than one; and if all the persons so entitled die in the lifetime of the insured the policy and the insurance money shall form part of the estate of the insured; or after the death of all the persons entitled to such benefit the insured may by an instrument executed as aforesaid make a declaration that the policy shall be for the benefit of his then or any future wife or children or some one of them. No. 16 of 1890, s. 8.

No  
apportionment  
Death of  
beneficiary

**10.** When the insurance money becomes due and payable it shall be paid according to the terms of the policy or of any declaration or instrument as aforesaid as the case may be free from the claims of any creditors of the insured except as herein provided. No. 16 of 1890, s. 9.

Payment of  
insurance  
money

**11.** Where the insurance money or part thereof is for the benefit in whole or in part of the children of the insured and the children are mentioned as a class and not by their individual names the money shall not be payable to the children until reasonable proof is furnished to the company of the number, names and ages of the children entitled. No. 16 of 1890, s. 9.

Insurance  
for children  
Proof to be  
adduced

**12.** The insured may by the policy or by his will or by any writing under his hand appoint a trustee or trustees of the money payable under the policy and may from time to time revoke such appointment in like manner and appoint a new trustee or new trustees and make provision for the appointment of a new trustee or trustees and for the investment of the money payable under the policy. Payment made to such trustee or trustees shall discharge the company. No. 16 of 1890, s. 10.

Appointment  
of trustees

**13.** If no trustee is named in the policy or appointed as mentioned in section 12 hereof to receive the shares to which infants are entitled their shares may be paid to the executors of the last will and testament of the insured or to a guardian of the infants duly appointed by the Supreme Court of the North-West Territories or a judge thereof upon the application of the wife or of the infants or their guardian and such payment shall be a good discharge to the insurance company. No. 16 of 1890, s. 11.

Payment  
where no  
trustees

**14.** Any trustee named as provided for in the last preceding two sections and any executor or guardian may invest the

Investment  
by trustees

money received in government securities or municipal or school debentures or in mortgages of real estate or in any other manner authorised by the will of the insured and may from time to time alter, vary and transpose the investments and apply all or any part of the annual income arising from the share or presumptive share of each of the children in or towards his or her maintenance and education in such manner as the trustee, executor or guardian thinks fit and may also advance to and for any of the children notwithstanding his or her minority the whole or any part of the share of the child of and in the money for the advancement or preferment in the world or on the marriage of such child. No. 16 of 1890, s. 12.

Security by  
guardian

**15.** A guardian appointed as provided in section 13 hereof shall give security to the satisfaction of the Court or judge for the faithful performance of his duty as guardian and for the proper application of the money which he may receive. Where the amount of the insurance money payable to a guardian of infants does not exceed \$400 and probate is sought in respect of a will for the sole purpose of obtaining insurance money to an amount not exceeding \$400 the fees payable on the appointment of such guardian or executor shall be \$4 and no more and such fees shall be regulated in the manner prescribed. No. 16 of 1890, s. 13.

Payment of  
insurance  
money into  
court where  
no trustee,  
etc.

**16.** If there is no trustee, executor or guardian competent to receive the share of any infant in the insurance money and the insurance company admits the claim or any part thereof the company at any time after the expiration of two months from the date of their admission of the claim or part thereof may obtain an order from the Supreme Court of the North-West Territories or a judge thereof for the payment of the share of the infant into court; and in such case the costs of the application shall be paid out of the share (unless the Court or judge otherwise directs) and the residue shall be paid into Court pursuant to the order; and such payment shall be a sufficient discharge to the company for the money paid; and the money shall be dealt with as the Court or judge may direct.

Order for  
payment of  
insurance  
moneys

(2) If the company does not within four months from the time the claim is admitted either pay the same to some person competent to receive the money under this Ordinance or pay the same into the Supreme Court the said Court or Judge thereof may upon application made by some one competent to receive the said money or by some other person on behalf of the infant order the insurance money or any part thereof to be paid to any trustee, executor or guardian competent to receive the same or to be paid into court to be dealt with as the Court or judge may direct and any such payment shall be a good discharge to the company.

Costs

(3) The Court or judge may order the costs of the application and any costs incidental to establishing the authority of the party applying for the order to be paid out of such moneys or by the company or otherwise as may seem just and the Court or judge may also order the costs of and incidental to obtain-

ing out of Court moneys voluntarily paid in by a company to be paid out of such moneys. No. 16 of 1890, s. 14.

**17.** If a person who has heretofore effected or who hereafter effects an insurance for the purposes contemplated by this Ordinance whether the purpose appears by the terms of the policy or by indorsement thereon or by an instrument referring to and identifying the policy finds himself unable to continue to meet the premiums he may surrender the policy to the company and accept in lieu thereof a paid up policy for such sum as the premiums paid would represent payable at death or at the endowment age or otherwise (as the case may be) in the same manner as the money insured by the original policy if not surrendered, would have been payable; and the company may accept the surrender and grant the paid up policy notwithstanding any declaration or direction in favour of the wife and children or any of them. No. 16 of 1890, s. 15.

**18.** The person insured may from time to time borrow from the company insuring or from any other company or person on the security of the policy such sums as may be necessary and the same shall be applied to keep the policy in force on such terms and conditions as may be agreed on; and the sums so borrowed together with such lawful interest thereon as may be agreed upon shall so long as the policy remains in force be a first lien on the policy and on all moneys payable thereunder notwithstanding any declaration or direction in favour of the wife or children or any or either of them. No. 16 of 1890, s. 16.

**19.** Any person insured under the provisions of this Ordinance may in writing require the insurance company to pay the bonuses or profits accruing under the policy or portions of the same to the insured; or to apply the same in reduction of the annual premiums payable by the insured in such way as he may direct; or to add the said bonuses or profits to the policy; and the company shall pay or apply such bonuses or profits as the insured directs and according to the rates and rules established by the company:

Provided always that the company shall not be obliged to pay or apply such bonuses or profits in any other manner than stipulated in the policy or the application therefor. No. 16 of 1890, s. 17.

**20.** In case of several actions being brought for insurance money the Court is to consolidate or otherwise deal therewith so that there shall be but one action for and in respect of the shares of all the persons entitled under a policy. If an action is brought for the share of one or more infants entitled all the other infants or the trustees, executors or guardians entitled to receive payment of the shares of such other infants shall be made parties to the action and the rights of all the infants shall be dealt with and determined in one action. The persons entitled to receive the shares of the infants may join with any adult persons claiming shares in the policy. In all actions

where several persons are interested in the money the Court or judge shall apportion among the parties entitled any sum directed to be paid and shall give all necessary directions and relief. No. 16 of 1890, s. 18.

Notice to  
insurance  
company

**21.** No declaration or appointment affecting the insurance money or any portion thereof nor any appointment or revocation of a trustee shall be of any force or effect as respects the company until the instrument or a duplicate or copy thereof is deposited with the company. Where a declaration or indorsement has been heretofore made and notice has not been given the company may until they receive notice thereof deal with the insured or his executors, administrators or assigns in respect of the policy in the same manner and with the like effect as if the declaration or indorsement had not been made. No. 16 of 1890, s. 19.

Rights of  
creditors

**22.** If the policy was effected and premiums paid by the insured with intent to defraud his creditors the creditors shall be entitled to receive out of the sum secured an amount equal to the premiums so paid. No. 16 of 1890, s. 20.

No  
interference  
with other  
modes of  
assignment,  
etc.

**23.** Nothing contained in this Ordinance shall be held or construed to restrict or interfere with the right of any person to effect or assign a policy for the benefit of his or her father, mother, husband or wife or children or some one of them in any other mode allowed by law. No. 16 of 1890, s. 21.

Surrender or  
assignment of  
policy

**24.** Where all the persons entitled to be benefitted whether by original insurance, by written declaration or instrument of variation or apportionment under any policy are of full age they and the person insured may surrender the policy or assign the same either absolutely or by way of security. No. 16 of 1890, s. 22.

Persons  
entitled in  
succession

**25.** Where any policy of insurance or written contract of life insurance or the declaration indorsed upon or attached to any policy of insurance to which this Ordinance applies whether such declaration has heretofore been or shall hereafter be made provides that the policy shall be for the benefit of a person and in the event of the death of such person for the benefit of another person such first mentioned person shall if living be deemed for the purposes of section 24 of this Ordinance the person entitled to be benefitted under such policy. No. 16 of 1890, s. 23.

## CHAPTER 50.

### An Ordinance respecting Masters and Servants.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

**1.** Every contract or hire of personal service shall be subject to the provisions of this Ordinance and if such contract is for any period more than one year it shall be in writing and signed by the contracting parties. Contracts of hiring No. 26 of 1895, s. 2.

**2.** Any person engaged, bound or hired whether as clerk, journeyman, apprentice, servant, labourer or otherwise howsoever, guilty of drunkenness or of absenting himself by day or night without leave from his proper service or employment or of refusing or neglecting to perform his just duties or to obey the lawful commands of his master or of dissipating his employer's property or effects shall be deemed guilty of a violation of his contract and upon summary conviction of one or more of the said violations, forfeit and pay such sum of money not exceeding \$30 as to the justice or magistrate seems meet together with costs of prosecution and in default of payment thereof forthwith shall be imprisoned for any period not exceeding one month unless the fine imposed and costs together with the costs of commitment and conveying such person convicted to the place of imprisonment be sooner paid. Servant guilty of misconduct Penalty No. 26 of 1895, s. 3.

**3.** Any justice, upon oath of any employee, servant or labourer complaining against his or her master or employer concerning any nonpayment of wages (not exceeding two months' wages, the same having been first demanded) illusage or improper dismissal by such master or employer, may summon the master or employer to appear before him at a reasonable time to be stated in the summons and the justice shall upon proof on oath of the personal service of the summons examine into the matter of the complaint, whether the master or employer appears or not, and upon due proof of the cause of complaint the justice may discharge the servant or labourer from the service or employment of the master and may direct the payment to him or her of any wages found to be due (not exceeding two months' wages as aforesaid) and the justice shall make such order for payment of the said wages as to him seems just and reasonable with costs. Nonpayment of wages No. 26 of 1895, s. 4: No. 38 of 1897, s. 53 (1).

**4.** Proceedings may be taken under this Ordinance within three months after the engagement or employment has ceased or within three months after the last instalment of wages under Limit of time for proceedings

the agreement of hiring has become due whichever shall last happen. No. 26 of 1895, s. 5.

Ordinance to  
apply to  
contracts  
made outside  
the Territories

**5.** The provisions of this Ordinance shall be held to apply in the Territories to contracts and agreements made at any place outside the same. No. 26 of 1895, s. 6.

Civil remedies  
preserved

**6.** Nothing in this Ordinance shall in any wise curtail, abridge or defeat any civil or other remedy for the recovery of wages or damages which employers or masters may have against servants or employees or which servants or employees may have against their masters or employers. No. 26 of 1895, s. 8 ; No. 38 of 1897, s. 53 (2).



## CHAPTER 51.

### An Ordinance respecting the Legal Profession and the Law Society of the Territories.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Legal Profession Ordinance.*" No. 21 of 1898, s. 1.

#### INCORPORATION OF LAW SOCIETY.

2. "The Law Society of the North-West Territories" shall continue to be incorporated under that name and style and by that name shall have perpetual succession and may sue and be sued in any court and have and use a common seal and be capable by law to make and receive all deeds, conveyances, assignments and contracts necessary to carry into effect the provisions of this Ordinance and to promote the objects and designs of the said corporation. No. 21 of 1898, s. 2.

#### MEMBERSHIP.

3. The following persons shall compose and be the members of the said corporation that is to say : All persons who on the fifteenth day of January 1899, were enrolled as advocates of the Territories under any Ordinance in that behalf and all others who have since that date or who shall hereafter become entitled to practise as such advocates. No. 21 of 1898, s. 2.

#### ROLL OF ADVOCATES.

4. The roll of advocates under the Ordinances respecting the legal profession in force prior to the fifteenth day of January 1899 with the addition thereto of the names of such persons who have since or who may hereafter become members of the society shall constitute the roll of membership of the society and such roll shall be kept in the custody of the secretary. No. 21 of 1898, s. 31.

#### ADMISSION OF ADVOCATES.

5. In addition to the persons already enrolled as advocates as aforesaid the following persons and no others shall be admitted to act as advocates in the Territories and to practise at the bar in the Supreme or any other court of civil jurisdiction in the Territories or to advise for fee or reward in matters pertaining to the law or sue out any writ or process or commence,

carry on, solicit or defend any action or proceeding in any such court;

1. Any British subject of the age of twenty-one years who, having been entered and admitted as a student of law in the law society of the Territories has been standing on the books thereof for five consecutive years or for three consecutive years if a graduate in arts or law of a recognised university in the United Kingdom or in Canada or a graduate of the Royal Military College of Canada, has conformed himself to the rules of the said society and been enrolled as a member thereof :

Provided always that any student of law or clerk under articles under any Ordinance respecting the legal profession whose articles were duly entered into prior to the fifteenth day of September, 1898, shall on application be entered and admitted to the law society of the Territories as a student of law under articles and upon completing the term of his service as prescribed by the Ordinance under which he was articulated and otherwise conforming to the rules of the law society shall be admitted to practise as an advocate :

Provided further that the law society shall not require any such student or clerk mentioned in the next preceding proviso to pass any further examination or produce any evidence of further educational attainment or pay any greater fees than he would have been required to pass, produce or pay under Ordinance No. 9 of 1895.

2. Any person who has been duly called to the bar of England, Scotland, Ireland or any of the provinces of Canada or who has been admitted to practise as an attorney, advocate or solicitor in any of Her Majesty's superior courts of law therein who produces sufficient evidence of such call or admission and testimonials of good character and of good standing in the law society of the country or province of which he is a barrister, attorney, advocate or solicitor to the satisfaction of the benchers of the law society of the Territories and who having complied with such rules as the law society of the Territories or the benchers thereof may make under the provisions of this Ordinance has been enrolled as a member of the said law society of the Territories :

Provided that if an advocate of the Territories on applying for call or admission as a barrister, solicitor, advocate or attorney in England, Scotland, Ireland or any such province would or might be required to pass any examination before such call or admission it shall be competent for the law society of the Territories or the benchers thereof to impose a like requirement on the application of any person from such country or province for admission as an advocate of the Territories :

Provided further that if an advocate of the Territories on applying for call or admission as in the preceding proviso mentioned would be required to reside in or serve under articles in any such country or province for any certain period before call or admission the law society of the Territories may require prior residence or service in the Territories for the like period on the part of any person from such country or province applying for admission as an advocate. No. 28 of 1898, s. 3.

## ADVOCATE'S OATH.

**6.** Every person before being admitted as an advocate shall <sup>Advocate's oath</sup> make and subscribe the oath or affirmation following :

I, *A.B.*, do solemnly swear (*or affirm*) that I will well and truly and honestly demean myself as an advocate in the North-West Territories according to the best of my knowledge, skill and ability. So help me God. No. 21 of 1898, s. 4.

## VISITORS OF SOCIETY.

**7.** The judges of the Supreme Court of the North-West <sup>Visitors</sup> Territories shall be visitors of the society. No. 21 of 1898, s. 5.

## BENCHERS.

**8.** The said society shall be governed by the benchers thereof <sup>Benchers</sup> who (exclusive of *ex officio* members) shall consist of nine of the members of the society at least one of whom shall be chosen from the eligible persons resident in each judicial district of the Territories. No. 21 of 1898, s. 6.

**9.** The Attorney General of Canada for the time being, the <sup>*Ex officio*</sup> Attorney General of the Territories for the time being and all advocates of the Territories who have at any time held the office of attorney general of the Territories and any retired judge of the Supreme Court shall respectively *ex officio* be benchers of the society. No. 21 of 1898, s. 7.

**10.** The elected benchers shall hold office for one year or <sup>Term of office</sup> until their successors are elected.

Provided that the benchers elected at the first election shall hold office until their successors are elected at the election to be held in 1899. No. 21 of 1898, ss. 6, 8.

**11.** The election of benchers shall take place annually on <sup>Election of benchers</sup> the first Monday in November in each year. No. 21 of 1898, s. 8.

**12.** Each duly enrolled advocate of the Territories resident <sup>Qualification of voters</sup> therein and not otherwise ineligible may at an election of benchers vote for nine persons one of whom at least shall be chosen from the members in each judicial district respectively. No. 21 of 1898, s. 10.

**13.** At least six weeks prior to the holding of the election <sup>List of voters to be published</sup> the secretary shall make out a list of the advocates who are entitled to vote at such election and a copy of such list shall be transmitted by post by the secretary to each clerk and deputy clerk of the Supreme Court and such clerk or deputy clerk shall forthwith on the receipt thereof post such list in a conspicuous place in his office. No. 21 of 1898, s. 11.

Correction  
of list

**14.** In case any advocate complains to the secretary at least one month before the election, of the improper omission or insertion of any name on the list it shall be the duty of the secretary forthwith to examine into the complaint and rectify such error if any there be; and in case any person is dissatisfied with the decision of the secretary he may within one week thereafter appeal to a judge of the Supreme Court who shall summarily try and decide the questions involved and the list shall remain or be altered in accordance with the decision of the judge. No. 21 of 1898, s. 12.

Voters must  
be on list

**15.** No person whose name is not inserted in the said list shall be entitled to vote at such election. No. 21 of 1898, s. 13.

Void votes

**16.** In the event of any elector placing more than nine names on his voting paper it shall not be counted. No. 21 of 1898, s. 14.

Qualification  
of benchers

**17.** No person shall be eligible as a bencher at any election who is not an advocate and qualified to vote at such election. No. 21 of 1898, s. 15.

Retiring  
benchers  
eligible

**18.** At all elections retiring benchers shall be eligible for re-election. No. 21 of 1898, s. 16.

Voter must  
have paid fees

**19.** No person shall be entitled to vote unless all his fees to the society have been paid. No. 21 of 1898, s. 17.

Manner of  
voting

**20.** The votes at each election shall be given by closed voting papers in form A in the schedule to this Ordinance (or to the like effect) being mailed by registered post to the secretary or delivered to him at his office so as to be in his hands on the day of election before the hour prescribed for opening the voting papers. No. 21 of 1898, s. 18.

Counting  
votes

**21.** The said voting papers shall at the hour of eleven o'clock in the forenoon on the day of election be opened by the secretary in the presence of any of the persons entitled to vote who may attend; and the secretary shall then scrutinise and count the votes and keep a record thereof. No. 21 of 1898, s. 19.

Persons to  
be declared  
elected

**22.** The following members shall be declared by the secretary to be elected benchers:

1. The member receiving the highest number of the votes cast for the members residing in the judicial district wherein he resides.

2. Such of the persons, not included in the above, receiving the highest number of the total votes cast at the election as may be necessary to complete the number of benchers to be elected. No. 21 of 1898, s. 20.

Equality  
of votes

**23.** In case of an equality of votes between two or more persons which leaves the election of one or more of such

benchers undecided then the secretary shall forthwith put into a ballot box a number of papers equal to the number of the candidates who have an equality of votes, the said papers each having the name of a candidate written thereon being one paper for each candidate. The papers shall be so folded that the name thereon shall be inside and not distinguishable without the papers being opened. The papers shall be mixed together in the box and the secretary shall draw by chance from such ballot box in presence of such persons as may be present one or more of such papers sufficient to make up the required number and the persons whose names are upon such papers so drawn shall be such benchers. No. 21 of 1898, s. 21.

**24.** The secretary shall forthwith after the election notify the benchers elect of their election and cause the names to be published in the gazette. No. 21 of 1898, s. 22. Notice of election

**25.** The benchers may make such regulations as they consider expedient not contrary to the provisions of this Ordinance for regulating the procedure as to election of benchers. No. 21 of 1898, s. 23. Rules for elections

**26.** The voting papers belonging to any election shall not be destroyed until after all petitions in respect to such election have been decided but the same shall together with all other papers in connection with the election be retained by the secretary. No. 21 of 1898, s. 24. Voting papers to be preserved

**27.** In the event of any dispute as to the election of benchers the same may be decided in a summary way by any judge of the Supreme Court upon petition presented within ten days from the declaration of the result. The decision of the judge shall be final and the costs of the petition shall be in his discretion. The judge shall in and about such petition have the like powers as in an ordinary cause in the Supreme Court. No. 21 of 1898, s. 25. Disputed elections

**28.** No person shall sign the name of any other person to any voting paper under this Ordinance or alter or add to or falsify or fill up any blank in any voting paper signed by another person or deliver or cause to be delivered to the secretary any such false voting paper or any voting paper which has been added to or falsified or in which any blank has been filled up after the same was signed. No. 21 of 1898, s. 26. False voting

**29.** In the event of there being no secretary (for the time being) of the law society at the time at which any election under this Ordinance is to be held or in the event of such secretary being unable from illness or other unavoidable cause to act at such election then and in such case the president for the time being of the law society and if there be no president then the attorney general of the Territories shall appoint under his hand some other person to act as such secretary; and such person so appointed shall perform all duties of such secretary as prescribed by this Ordinance. No. 21 of 1898, s. 27. Provision for absence of secretary

Vacancies  
in benchers

**30.** In case of failure in any instance to elect the requisite number of benchers according to the provisions of this Ordinance or in case of any vacancy caused by the death or resignation of any bencher or by any other cause the remaining or continuing benchers may appoint to the vacant place or places any person or persons duly qualified under the provisions of this Ordinance to be elected bencher or benchers and the person or persons so appointed shall hold office for the residue of the period for which the other benchers have been elected :

Provided that any such vacancy shall be filled from among the persons eligible resident in the judicial district in which the bencher whose place has become vacant resided. No. 21 of 1898, s. 28.

#### OFFICERS OF SOCIETY.

Officers of  
society

**31.** The officers of the society shall consist of a president, vice president, secretary and treasurer. No. 21 of 1898, s. 30.

#### BENCHERS' POWERS.

Rules and  
by laws

**32.** The benchers may from time to time make rules and by laws :

1. For the government of the said society and other purposes connected therewith ;

2. For regulating and prescribing the qualifications, manner of study and examinations of students of law and the requirements preliminary to their being admitted as advocates and for regulating the admission and enrolment of advocates ;

3. For fixing the fees payable to the society for admission and enrolment of students of law and advocates respectively :

Provided that the fee for admission and enrolment as an advocate payable by any student at law in the Territories shall not exceed \$100 ;

4. For fixing the fees payable annually by each advocate and for other fees incidental to the society ;

5. For the striking off the roll and suspension from practice of any advocate for non payment of fees due to the society and for the reinstatement of such advocate upon such terms as the benchers may see fit ;

6. For the reporting of legal decisions. No. 21 of 1898, s. 32.

#### FUNDS OF SOCIETY.

Fees, etc.

**33.** All fees, dues and subscriptions payable under the provisions of this Ordinance shall be the property of the society and shall be paid to the treasurer of the society. No. 21 of 1898, s. 33.

Custody  
of funds

**34.** The funds of the society shall be deposited by the treasurer to the credit of the society in a chartered bank and shall be withdrawn only by cheque signed by the treasurer and countersigned by the president of the society or (in his

absence from the Territories) by one of the benchers. No. 21 of 1898, s. 34.

**35.** The funds of the society shall be disbursed and appropriated under the direction of the benchers in payment of the necessary expenses of the society. No. 21 of 1898, s. 35. Expenditure of society

**36.** Subject to the approval of the visitors of the society the benchers may expend such portion of the funds of the society as are not required for the ordinary purposes thereof in the establishment of or addition to law libraries for the general use of the members at such points in the Territories as they may deem proper. No. 21 of 1898, s. 36. Purchase of libraries

#### DISCIPLINARY.

**37.** All advocates shall be officers of the Supreme and other civil courts of the Territories; and the Supreme Court and any judge thereof shall possess and may exercise the same powers and jurisdiction over and in respect of such advocates as at the time of the passing hereof is possessed by the Supreme Court of Judicature in England over and in respect of solicitors of the said last mentioned court. No. 21 of 1898, s. 38. Advocates officers of court

**38.** No advocate shall wilfully and knowingly act as the professional agent of any person not duly enrolled and qualified to act as an advocate or suffer his name to be used in any such agency on account of or for the profit of an unqualified person or send any process to such person or do any other act to enable such person to practise in any respect as an advocate, knowing him not to be duly qualified. No. 21 of 1898, s. 39. Assisting unauthorised persons to practise

**39.** If upon application at the instance of the benchers or any person concerned and supported by affidavit made to a judge it shall *prima facie* appear that an advocate has been guilty of professional misconduct or of conduct unbecoming an advocate or for default by him in payment of moneys received by him as an advocate or has been guilty of such misconduct as would in England be sufficient to bring a solicitor under the punitive powers of the Supreme Court of Judicature or has been guilty of any breach of the provisions of this Ordinance or of any rule or bylaw passed under the provisions hereof the judge shall by summons call upon such advocate to answer the facts and upon the return of the summons hear the complainant and advocate and any evidence adduced by them; and if the judge finds the complaint well founded he may direct that such advocate be suspended and disqualified from practising as such until the end of the then next sittings of the Court *en banc*; and in the event of making such order shall report the evidence and proceedings on such application and his judgment thereon to the Court *en banc* at such sittings and the Court *en banc* shall thereupon consider such evidence and proceedings and may hear the parties or their counsel in the same manner as if such application had originally been made to the Court *en banc* and may

order that the name of such advocate be struck off the roll of advocates or may suspend such advocate from practising for such period as may be considered proper :

Provided that the judge instead of directing the suspension and disqualification to practise of such advocate as aforesaid may refer the matter to be dealt with by the Court *en banc* at its next sitting. No. 21 of 1898, s. 41.

Notice of  
proceedings  
against  
advocates

**40.** In case either a report or reference is made to the Court *en banc* under the preceding section or in case an application is made to the Court *en banc* to strike an advocate off the roll or to suspend him from practising, such Court or a judge (before such report, reference or application to strike off is heard or dealt with) may order that notice of the proceedings be given by the applicant to the secretary of the society and to such other person or persons as the Court or judge may think proper : and the person or persons so notified may appear in person or by advocate on such application. No. 21 of 1898, s. 42.

Notice of  
suspension  
or striking  
off roll

**41.** Whenever any advocate is struck off the roll of advocates or suspended from practising the registrar of the Supreme Court or the clerk of the court (if the suspension is by a single judge) shall certify the same under his hand and the seal of the court to the secretary of the society who shall file such certificate and shall make a note opposite the name of such person on the said roll of his having been struck off the same or suspended (as the case may be) and, in case of suspension, of the time of such suspension. No. 21 of 1898, s. 43.

Effect of  
suspension,  
etc.

**42.** Upon an advocate being struck off the roll as aforesaid all his rights and privileges as an advocate shall cease and determine or in case he is suspended he shall during the period of his suspension possess no rights or privileges as an advocate and notice of his being struck off the roll or suspended shall forthwith be given by the secretary to the judges of the Supreme Court. No. 21 of 1898, s. 44.

Reinstatement  
of advocates

**43.** The Supreme Court *en banc* may on application made for that purpose and when in the opinion of such court the subsequent conduct of the advocate and the facts warrant it order the name of any advocate struck off the roll to be restored thereto upon such terms as to the payment of money or otherwise as the Court may direct ; and in such case the registrar shall certify the same under his hand and the seal of the court to the secretary of the society who shall file such certificate and make a note opposite the name of such person on the said roll of his having been restored thereto.

Notice of  
application for  
reinstatement

(2) Notice of such application shall be given to the secretary of the society and such other person or persons as the Court or a judge on *ex parte* application may direct and the persons so notified may in person or by advocate appear and oppose or consent to such application :

Provided that before being entitled to be restored to the roll hereunder such person whose name is sought to be restored



shall pay all arrears of fees due by him to the society including the fees for the period which has elapsed since he was struck off the roll. No. 21 of 1898, s. 45.

**44.** Whenever a person being a student serving under articles shall be found by the benchers after due inquiry to have been either before or after the coming into force of this Ordinance guilty of professional misconduct or conduct unbecoming a student of law it shall be lawful for the benchers to strike the name of such student from the books of the society; but any decision of the benchers to so strike off the name of any student shall be subject to appeal to a judge of the Supreme Court. No. 21 of 1898, s. 37.

**45.** In case any person (unless himself a plaintiff or defendant in the proceeding) commences, prosecutes or defends in his own name or that of any other person any action or proceeding in any court of civil jurisdiction in the Territories or acts as counsel or advocate in any such action or proceeding without being enrolled as aforesaid he shall be incapable of recovering any fee, reward or disbursement on account thereof; and such person shall be deemed guilty of a contempt of the court in which such proceeding has been commenced, carried on or defended and punished accordingly and the party offending may be proceeded against for such contempt before the Supreme Court *en banc* or any judge thereof sitting in chambers. No. 21 of 1898, s. 40.

**46.** The benchers may institute or authorise the institution of any proceedings under this Ordinance for any breach of its provisions. No. 21 of 1898, s. 46.

#### DELIVERY AND TAXATION OF BILLS OF COSTS.

**47.** No advocate nor any executor, administrator or assignee of any advocate shall commence or maintain any action or suit for the recovery of any fees, charges or disbursements for any business done by an advocate as such until the expiration of one month after such advocate, his executor, administrator or assignee shall have delivered unto the party to be charged therewith or sent by the post or left for him at his house, office of business or last known place of abode, a bill of such fees, charges and disbursements, which bill shall either be subscribed with the proper hand of such advocate or of his executor, administrator or assignee (or in case of a partnership by one of the partners either with his own name or with the name or style of such partnership) or be inclosed in or accompanied by a letter subscribed in like manner referring to such bill. No. 21 of 1898, s. 47.

**48.** Upon the application of the party chargeable by such bill within such month the Supreme Court or a judge thereof shall (without money being brought into court) refer the bill and the demand thereon to be taxed by the proper officer of the

court for the judicial district in which any of the business charged for in the bill was done and the Court or judge making such reference shall restrain the bringing any action for such demand pending the reference. No. 21 of 1898, s. 48.

Taxation  
after month

**49.** In case no application is made within such month then the Court or judge upon the application of either party may order a reference with such directions and conditions as he may deem proper; and may upon such terms as may be thought just restrain any action for such demand pending the reference. No. 21 of 1898, s. 49.

Taxation  
after one year  
or after  
judgment

**50.** No such reference shall be directed upon application made by the party chargeable with such bill after a judgment has been obtained or after twelve months from the time such bill was delivered, sent or left as aforesaid except under special circumstances to be proved to the satisfaction of the Court or judge to whom the application for the reference is made. No. 21 of 1898, s. 50.

*Ex parte*  
taxation

**51.** In case either party to such reference having due notice refuses or neglects to attend the taxation the officer to whom the reference is made may tax the bill *ex parte*; and in case the reference is made upon the application of either party and the party chargeable with the bill attends the taxation the costs of the reference shall, except as hereinafter provided for, be paid according to the event of the taxation, that is to say, if a sixth part is taxed off the costs shall be paid by the party by whom or on whose behalf such bill was delivered and if less than a sixth part is taxed off then by the party chargeable with such bill if he applied for or attended the taxation. No. 21 of 1898, s. 51.

Order for  
reference

**52.** Every order for such reference shall direct the officer to whom the reference is made to tax the costs of the reference and to certify what upon the reference he finds to be due to or from either party in respect of such bill and of the costs of the reference if payable. No. 21 of 1898, s. 52.

Special  
circumstances

**53.** Such officer may certify specially any circumstances relating to the bill or taxation and the Court or judge may thereupon make such order as may be deemed right respecting the payment of the costs of taxation. No. 21 of 1898, s. 53.

Costs

**54.** In case the reference is made when the same is not authorised except under special circumstances as hereinbefore provided the Court or judge in making the same may give any special directions relative to the costs of the reference. No. 21 of 1898, s. 54.

Delivery  
of bill and  
document

**55.** Where no bill has been delivered, sent or left as aforesaid and where the bill if delivered, sent or left might have been referred as aforesaid the Supreme Court or a judge thereof may order the delivery of a bill and may also order the

delivery up of deeds or papers in the possession, custody or power of the advocate, his assignee or representatives in the same manner as has heretofore been done in cases where any such business had been transacted in the said court. No. 21 of 1898, s. 55.

**56.** In proving a compliance with this Ordinance it shall not be necessary in the first instance to prove the contents of the bill delivered, sent or left but it shall be sufficient to prove that a bill of fees, charges or disbursements subscribed in the manner aforesaid or inclosed in or accompanied by such letter as aforesaid was delivered, sent or left in manner aforesaid; but the other party may show that the bill so delivered, sent or left was not such a bill as constituted a *bona fide* compliance with this Ordinance. No. 21 of 1898, s. 56. Proof of delivery of bill

**57.** A judge of the Supreme Court on proof to his satisfaction that there is probable cause for believing that the party chargeable is about to quit the Territories may authorise an advocate to commence an action for the recovery of his fees, charges or disbursements against the party chargeable therewith although one month has not expired since the delivery of a bill as aforesaid. No. 21 of 1898, s. 57. Immediate action on advocate's bill

**58.** Where any person not being chargeable as the principal party is liable to pay or has paid any bill either to the advocate, his assignee or representative or to the principal party chargeable therewith, the person so paying, his assignee or representative may make the like application for a reference thereof to taxation as the party chargeable therewith might himself have made and in like manner; and the same proceedings shall be had thereupon as if the application had been made by the party so chargeable. No. 21 of 1898, s. 58. Taxation on application of person not principal

**59.** In case such application is made when under the provisions hereinbefore contained a reference is not authorised to be made except under special circumstances the Court or judge to whom the application is made may take into consideration any additional special circumstances applicable to the person making it although such circumstances might not be applicable to the party chargeable with the bill if he was the party making the application. No. 21 of 1898, s. 59. Special circumstances

**60.** For the purpose of such reference upon the application of the person not being the party chargeable or of a party interested as aforesaid the Court or judge may order the advocate, his assignee or representative to deliver to the party making the application a copy of the bill on payment of the costs of the copy. No. 21 of 1898, s. 60. Delivery of bill

**61.** No bill previously taxed shall be again referred unless under the special circumstances of the case the Court or judge to whom application is made thinks fit to direct a retaxation thereof. No. 21 of 1898, s. 61. Re-taxation

Taxation after  
payment

**62.** The payment of any such bill as aforesaid shall in no case preclude the Court or judge to whom application is made from referring such bill for taxation if the application is made within twelve months after payment and if special circumstances in the case in the opinion of the Court or judge appear to require the same, upon such terms and subject to such directions as to the Court or judge seem right. No. 21 of 1898, s. 62.

Style of  
proceeding

Enforcing  
payment

**63.** All applications made to refer any bill to be taxed or for the delivery of a bill or for the delivering up of deeds, documents and papers shall be made "In the matter of (*such advocate*); " and upon the taxation of any such bill the certificate of the officer by whom the bill is taxed shall unless set aside or altered by order of a judge or by decree or order of Court be final and conclusive as to the amount thereof; and payment of the amount certified to be due and directed to be paid may be enforced according to the practice of the said court. No. 21 of 1898, s. 63.

SCHEDULE.

FORM A.

VOTING PAPER.

LAW SOCIETY OF THE NORTH-WEST TERRITORIES.

Election of benchers, 1

I, \_\_\_\_\_ of \_\_\_\_\_ in the  
North-West Territories, advocate, do hereby declare :

- 1. That the signature hereto is my proper handwriting ;
- 2. That I now reside at \_\_\_\_\_ ;
- 3. That I vote for the following persons as benchers of the Law Society :

|       |        |
|-------|--------|
| A.B., | of the |
| C.D., | of the |
| E.F., | of the |
| G.H., | of the |
| J.K., | of the |
| L.M., | of the |
| N.O., | of the |
| P.Q., | of the |
| R.S., | of the |

- 4. That I have signed no other voting paper at this election ;
- 5. That this voting paper was executed on the day of the date thereof.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ A.D.

## CHAPTER 52.

### An Ordinance respecting the Medical Profession.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Medical Profession* Short title Ordinance." No. 5 of 1888, s. 1.

#### COLLEGE OF PHYSICIANS AND SURGEONS.

2. The College of Physicians and Surgeons of the North-West Territories as constituted under and by virtue of Ordinance No. 5 of 1888 and amending Ordinances and as existing at the time of the coming into force of this Ordinance is hereby continued and the members of the said college and all persons hereafter registered members of the said college under the provisions of this Ordinance shall be a body corporate under the name of "The College of Physicians and Surgeons of the North-West Territories" and shall have perpetual succession as hereinafter provided and a common seal with power to acquire, hold and dispose of chattel property and real estate for the purposes of this Ordinance and to sue and be sued. No. 5 of 1888, ss. 2, 3, 4 ; No. 9 of 1891-92, s. 1.

#### COUNCIL OF COLLEGE. ELECTION OF MEMBERS.

3. There shall be a council of the said College of Physicians and Surgeons of the North-West Territories to be appointed in the manner hereinafter provided for and hereinafter referred to as the Council. No. 5 of 1888, s. 5.

4. The persons entitled to vote at elections of members of the council shall be persons registered as medical practitioners in pursuance of this Ordinance. No. 5 of 1888, s. 6.

5. No person shall be eligible to be elected a member of the council unless he be registered in pursuance of this Ordinance. No. 5 of 1888, s. 7.

6. The number of persons to be elected as members forming the said council shall be five and the mode of election shall be by voting papers as hereinafter mentioned. No. 5 of 1888, s. 8.

7. The charge and conduct of the elections for members of the council shall be under the management of the registrar of the council and such elections shall be held at such time and place as may be determined on by the council. No. 5 of 1888, ss. 9, 10.

Votes

**8.** Every person entitled to vote may vote for five persons. No. 5 of 1888, s. 11.

Method of voting

**9.** Such votes shall be given by closed voting papers to be mailed to each registered practitioner by the registrar at least one month prior to the day of the election, in the form A in the schedule to this Ordinance or to the like effect signed by the voter and delivered to such registrar on any of the twenty days preceding the day of election. Any voting papers delivered to the registrar by post during the respective times aforesaid shall be deemed delivered to him. No. 5 of 1888, s. 12.

Scrutineers

**10.** The council shall appoint two persons who together with the registrar shall act as scrutineers at the election. On the day succeeding the day of election the voting papers shall be opened by the registrar in the presence of the other scrutineers who shall scrutinize and count the votes and keep a record thereof in a proper book to be provided by the said council. No. 5 of 1888, s. 14.

Count of votes

Members elected  
Term

**11.** The five persons who have the highest number of votes shall be the members of the council for the four years following the date of such election and until their successors are appointed. No. 5 of 1888, s. 15; No. 22 of 1898, s. 1.

Voters may  
be at count

**12.** Any person entitled to vote at any election shall be entitled to be present at the opening of the voting papers at such election. No. 5 of 1888, s. 16.

Equality of  
votes

**13.** In case of an equality of votes between two or more persons which leaves the election of one or more of the members of the council undecided the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates having such equality of votes written thereon one for each candidate and the registrar in the presence of the scrutineers shall draw by chance from such ballot box one or more of such ballot papers sufficient to make up the required number and the persons whose names are upon such papers so drawn shall be members of such council. No. 5 of 1888, s. 17.

Fees to be paid

Eligibility

Votes for  
ineligible  
person

**14.** No person shall be entitled to vote at such election unless all his fees to the council shall have been paid. No person shall be eligible for election unless qualified to vote at such election and any votes cast for any person who is ineligible to be elected a member shall be null and void and the election shall be declared as if such votes had not been cast. No. 5 of 1888, s. 18.

Voting for  
more than five

**15.** In the event of any person placing more than five names on his voting paper the first five shall be taken, notwithstanding any of such five so named shall be ineligible for election for any cause whatever. No. 5 of 1888, s. 19.

**16.** The registrar shall one month prior to the day on which the election is to be held make out an alphabetical list or register of the medical practitioners who are entitled to vote at the election then about to be held and such register may then be examined at all reasonable times. In case any medical practitioner entitled to vote complains to the registrar in writing of the improper omission or insertion of any name in the said list it shall be the duty of the registrar forthwith to examine into the complaint and rectify such error if any there be; and in case any person is dissatisfied with the decision of the registrar he may appeal to a judge of the Supreme Court provided that such appeal be lodged with the judge at least ten days before the day on which the election is to be held; and such judge shall hear and decide the appeal in a summary way and he may if he deem it necessary direct that such notice of the time and place for hearing the appeal as he may prescribe shall be given to such person as he may specify; and if it is necessary to hear evidence in such appeal it may be given *viva voce* under oath or by affidavit as the judge directs; and the decision of such judge shall be final and the list shall remain or be altered in accordance with such decision. No. 5 of 1888, s. 20; No. 38 of 1897, s. 26 (1).

List of practitioners entitled to vote  
Objections thereto  
Appeal to judge  
Proceedings on appeal

**17.** The list or register so made out shall be held to be the register of persons entitled to vote at the next election and no person shall be entitled to vote whose name is not upon such register. No. 5 of 1888, s. 21.

Voters' list conclusive

**18.** The members of the council may make such regulations as they consider expedient not contrary to the provisions of this Ordinance for regulating the procedure and in respect of such elections. No. 5 of 1888, s. 22.

Election regulations

**19.** The voting papers belonging to any election shall not be destroyed until after all petitions in respect to such election have been decided but the same together with all other papers in connection with the election shall be retained by the registrar. No. 5 of 1888, s. 23.

Preservation of election papers

**20.** No petition against the return of any member shall be entertained unless such petition be filed with the registrar of the council within sixty days after the election and shall contain a statement of the grounds on which such election is disputed and unless a copy of such petition is served upon the member whose election is disputed within sixty days of the date of election. No. 5 of 1888, s. 24.

Petition against return of member

**21.** In case of any doubt or dispute as to the legality of the election of any member of the council it shall be lawful for the council to hold an inquiry and decide who is the legally elected member of the council; and the person whom they decide to have been elected shall be and be deemed to be the member legally elected; and if the election is found to be illegal the council shall have power to order a new election. No. 5 of 1888, s. 25.

Election doubted or disputed Inquiry

Vacancies  
in council,  
how supplied

**22.** In the case of the failure in any instance to elect the requisite number of duly qualified members of the council or in the case of any vacancy caused by the death or resignation of any member of the council or by any other cause then it shall be the duty of the remaining members to supply the deficiency by appointing to such vacant place or places as the same may occur any person or persons duly qualified according to the provisions of this Ordinance to be elected as a member or members of the council. No. 5 of 1888, s. 28.

PRESIDENT AND OFFICERS. MEETINGS OF COUNCIL.

Officers

**23.** The council shall annually appoint a president, vice-president, registrar, treasurer and such other officers as may from time to time be necessary for the working of this Ordinance who shall hold office during the pleasure of the council; and the said council shall have power to fix by bylaw or from time to time the salaries or fees to be paid to such officers and to the board of examiners hereinafter mentioned. No. 5 of 1888, s. 26.

Salaries  
Examiners'  
fees

Executive  
committee

**24.** The council shall appoint annually from among its members an executive committee to take cognizance of and action upon all such matters as may be delegated to it by the council or as may require immediate interference or attention between the adjournment of the council and its next meeting; and all such acts shall be valid only till the next ensuing meeting of the council; but the committee shall have no power to alter, repeal or suspend any bylaw of the council. No. 5 of 1888, s. 27.

Meetings of  
council  
Regulations

**25.** The council may make such rules and regulations as to the times and places of the future meetings of the council and the mode of summoning the same as to the council seems expedient, which rules and regulations shall remain in force until altered at any subsequent meeting and in the absence of any rule or regulation as to summoning meetings of the council it shall be lawful for the president thereof or in the event of his absence or death, for the registrar to summon the same at such time and place as to him seems fit by circular letter to be mailed to each member.

(2) In the event of the absence of the president from any meeting the vicepresident or in his absence some other member to be chosen from among the members present shall act as president.

(3) All acts of the council shall be decided by the majority of the members present not being less than three in number.

(4) At all meetings the president for the time being shall have a casting vote. No. 5 of 1888, s. 29.

Fees and  
expenses of  
members  
of council

**26.** There shall be paid to members of the council such fees for attendance and such reasonable travelling expenses as may from time to time be fixed by bylaw passed by the said council. No. 5 of 1888, s. 30.



## REGISTRATION.

**27.** The council shall cause to be kept by the registrar a <sup>Register of qualified persons</sup> book or register in which shall be entered the name of every person registered according to the provisions of this Ordinance and from time to time the names of all persons who have complied with the enactments hereinafter contained and with the rules and regulations made or to be made by the council respecting the qualifications to be required from practitioners of medicine or surgery in the Territories and those persons only whose names are inscribed in the book or register above mentioned shall be deemed to be qualified and licensed to practice medicine or surgery in the said Territories except as hereinafter provided and such book or register shall at all times be open and subject to inspection by any person. No. 5 of 1888, s. 32.

**28.** It shall be the duty of the registrar to keep his register <sup>Registrar's duties</sup> correct in accordance with the provisions of this Ordinance and the rules, orders and regulations of the council and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Ordinance and the said registrar shall perform such other duties as may be imposed upon him by the council. No. 5 of 1888, s. 33.

**29.** The council shall admit upon the register—

(a) Any person possessing a diploma from any college in Great Britain and Ireland (having power to grant such diploma) entitling him to practise medicine or surgery and who shall produce such diploma and furnish satisfactory evidence of identification; <sup>Persons entitled to admission to practise</sup>

(b) Any member of any incorporated college of physicians and surgeons of any province of the Dominion of Canada exercising powers similar to those conferred by this Ordinance upon the college of physicians and surgeons of the North-West Territories by which under the laws of the province governing the said incorporated body similar rights to register and to practise medicine are granted to the persons incorporated under this Ordinance;

(c) Any person who shall produce from any recognised college or school of medicine and surgery a certificate or certificates that he has taken a four years' course of lectures and a diploma of qualification from such recognised college or school:

Provided that the applicant shall furnish to the council satisfactory evidence of identification and pass before the members thereof or such examiners as may be appointed for the purpose a satisfactory examination touching his fitness and capacity to practise as a physician and surgeon and provided that every applicant for such examination shall pay to the registrar of the College of Physicians and Surgeons of the North-West Territories the sum of \$50 towards defraying the expenses of the examining board. No. 14 of 1890; No. 34 of 1894, s. 1; No. 22 of 1898, ss. 3, 4; No. 40 of 1898, s. 17.

Homœopathic  
physicians

**30.** Homœopathic physicians may be registered under this Ordinance on complying with the terms mentioned in section 29 hereof. No. 5 1888, s. 58.

Admission  
by registrar

**31.** The council may by bylaw delegate to the registrar power to admit to practise and to register any person having the necessary qualifications entitling him to be registered by such council. No. 24 of 1892, s. 4.

Erasure from  
register

**32.** The council may at any time direct the name of any person improperly registered to be erased from the register and such name shall be erased by the registrar. No. 24 of 1892, s. 5.

#### FEEES.

Registration  
fee

**33.** The fee for registration under any section of this Ordinance shall be \$50. No. 24 of 1892, s. 3.

Annual  
membership  
fee

**34.** Each member shall pay to the registrar or to any person deputed by the registrar to receive it, such annual fee as may be determined by bylaw of the council not being less than \$1 nor more than \$2 towards the general expenses of the college which last mentioned fee shall be payable on the first day of January in each year; and such fee shall be deemed to be a debt due by each member of the college and shall be recoverable with the costs of suit in the name of the College of Physicians and Surgeons of the North-West Territories:

Provided that the council may in any case in which it deems expedient remit any annual fees due to the college by any member who is or has been resident out of the Territories during the period in respect of which such fees became due. No. 5 of 1888, s. 35; No. 22 of 1898, s. 2.

#### GENERAL POWERS OF COUNCIL.

Council to  
regulate  
register and  
examinations

**35.** The council shall from time to time as occasion may require make orders, regulations or bylaws for regulating the register to be kept under this Ordinance and shall from time to time make rules and regulations for the guidance of the examiners and may prescribe the subjects and modes of examination and generally make all such rules and regulations in respect of examinations not contrary to the provisions of this Ordinance as the council may deem expedient and necessary. No. 5 of 1888, s. 36.

General rules

**36.** The council may from time to time make, alter or amend and repeal rules and regulations for the well being and discipline of the council, the conduct of its affairs and the promotion of medical and surgical knowledge and the disposition of the funds of the council, provided such rules and regulations be not repugnant to the provisions of this Ordinance. No. 5 of 1888, s. 57.

## CENTRAL EXAMINING BOARD.

**37.** The council shall have power to establish conjointly with the council or councils of any college or colleges of physicians and surgeons incorporated under any act of the legislature of any province of Canada and possessing powers similar to those conferred on the College of Physicians and Surgeons of the North-West Territories a central examining board and to delegate to such board all powers possessed by the said council respecting the examination of candidates for admission to practise medicine and surgery :

Central  
examining  
board

Provided that such power shall not be exercised unless the persons passing any examination of such central examining board shall on complying with the laws and rules of the respective councils in other respects be entitled to registration as legally qualified medical practitioners in the provinces whose councils may have conjointly with the said council established such central examining board :

Provided that any examinations conducted by such central examining board shall be held in at least one place within the Territories simultaneously with such examinations held in any province. No. 22 of 1898, s. 6.

## DISCIPLINARY.

**38.** If any registered medical practitioner shall be convicted of any indictable offence or shall after due inquiry be judged by the council to have been guilty of infamous conduct in any professional respect such council may if it sees fit direct the registrar to erase the name of such practitioner from the register and the name of such person shall be erased by the registrar from the register. No. 24 of 1892, s. 1.

Misconduct  
of registered  
practitioner

**39.** The council may and upon the application of any three registered medical practitioners shall cause inquiry to be made into the case of a person alleged to be liable to have his name erased under the preceding section and on proof of such conviction or infamous or unprofessional conduct shall cause the name of such person to be erased from the register :

Inquiry

Provided that the name of a person shall not be erased under this or the last preceding section on account of his adopting or refraining from adopting the practise of any particular theory of medicine or surgery nor on account of a conviction for a political offence out of Her Majesty's dominion nor on account of a conviction for an offence which though within the provisions of the last preceding section ought not in the opinion of the council or the committee hereinafter named either from the trivial nature of the offence or from the circumstances under which it was committed, to disqualify a person from practising medicine or surgery. No. 22 of 1898, s. 5 (2).

**40.** The council may order to be paid out of the funds at their disposal such costs as may to them seem just to any person against whom any complaint has been made which when

Costs

finally determined is found to have been frivolous and vexatious. No. 22 of 1898, s. 5 (3).

Restoration  
of name

**41.** Where the council direct the erasure from the register of the name of any person or of any other entry the name of that person or that entry shall not be again entered on the register except by the direction of the council or by the order of a judge of the Supreme Court. No. 22 of 1898, s. 5 (4).

**42.** If the council think fit in any case they may direct the registrar to restore to the register any name or entry erased therefrom either without fee or on payment of such fee, not exceeding the registration fee, as the council may fix and the registrar shall restore the same accordingly. No. 22 of 1898, s. 5 (5).

Committee  
of inquiry

**43.** The council shall for the purpose of exercising in any case the powers of erasing from and restoring to the register the name of any person or any entry, ascertain the facts of such case by a committee of their own body not exceeding five in number of whom the quorum shall be three; and a written report of the committee may be acted upon as to the facts therein stated for the purpose of the exercise of the said powers by the council. No. 22 of 1898, s. 5 (6).

**44.** The council shall from time to time appoint and shall always maintain a committee for the purposes prescribed in the last preceding section and subject to the provisions of this Ordinance may from time to time determine the constitution and the number and tenure of office of the members of such committee. No. 22 of 1898, s. 5 (7).

Legal  
assistance  
Counsel

**45.** The committee appointed under the preceding section may for the purpose of the execution of their duties under this Ordinance employ at the expense of the council such legal or other assistance as the committee may think necessary or proper and the person whose conduct is the subject of inquiry shall also have the right to be represented by counsel:

Place of  
inquiry

Provided that all meetings of any such committee when held for taking evidence or otherwise ascertaining the facts shall be held within the judicial district or subjudicial district where the member complained of resides or the alleged offence was committed unless he shall consent to have the inquiry held elsewhere. No. 22 of 1898, s. 5 (8).

Notice of  
inquiry

**46.** At least two weeks before the first meeting of the committee to be held for taking the evidence or otherwise ascertaining the facts a notice shall be served upon the person whose conduct is the subject of inquiry; and such notice shall embody a copy of the charges made against him or a statement of the subject matter of the inquiry and shall also specify the time and place of such meeting. The testimony of witnesses shall be taken under oath which the chairman or acting chairman of the committee is hereby authorised to administer and there

Testimony  
of witnesses

shall be full right to cross-examine all witnesses called and to adduce evidence in defence and reply. No. 22 of 1898, s. 5 (9).

**47.** For the purpose of procuring the attendance and evidence of a witness before the committee a judge of the Supreme Court may on application of any party to the inquiry order the issue by a clerk of the Supreme Court or a deputy clerk of a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum*. The rules of evidence on such inquiry and the proceedings and penalties in the case of disobedience to any such writ shall be the same as obtain in civil cases in the said court. No. 22 of 1898, s. 5 (10). Subpoena  
Rules of evidence

**48.** In the event of the nonattendance of the person whose conduct is the subject of such inquiry the committee may upon proof of personal service of the notice aforesaid in accordance with the provisions of this Ordinance, which proof of service may be by statutory declaration, proceed with the subject matter of the inquiry in his absence and make their report of the facts without further notice to such person. No. 22 of 1898, s. 5 (11). Non attendance of accused

**49.** Any person whose name has been ordered to be erased from the register may appeal from the decision of the council to a judge of the Supreme Court at any time within six months from the date of the order for such erasure; and such judge may upon the hearing of such appeal make such order as to the restoration of the name so erased or confirming such erasure or for further inquiries by the committee or council into the facts of the case and as to costs as shall be just. No. 22 of 1898, s. 5 (12). Appeal to judge

**50.** The appeal may be by summons for the council of the said college to show cause, served upon the registrar, and shall be founded upon a copy of the proceedings before the committee, the evidence taken, the committee's report and the order of the council in the matter certified by the registrar; and the registrar shall upon the request of any person desiring to appeal furnish to any such person a certified copy of all proceedings, reports, orders and papers upon which the committee or council have acted in making the report or order complained of. No. 22 of 1898, s. 5 (13). Procedure

#### RIGHTS OF REGISTERED PRACTITIONERS.

**51.** Every person registered under the provisions of this Ordinance shall be entitled to practise medicine and surgery including midwifery, or any one of them, in the Territories and to demand and recover in any court in the said Territories, with full costs of suit, reasonable charges for professional aid, advice and visits and the cost of any medicine or surgical appliances rendered or supplied by him to his patients. No. 5 of 1888, s. 38. Rights of persons registered

**52.** No duly registered member of the College of Physicians and Surgeons of the North-West Territories shall be liable to Limitation of action

any action for negligence or malpractice by reason of professional services requested or rendered unless such action be commenced within one year from the date when, in the matter complained of, such professional services terminated. No. 5 of 1888, s. 39.

Unregistered  
person cannot  
recover  
charges

**53.** No person shall be entitled to recover any charge in any court of law for any medical or surgical advice or for attendance or for the performance of any operation or for any medicine which he may have prescribed unless he is registered under this Ordinance. No. 5 of 1888, s. 45.

Unregistered  
persons not to  
be appointed  
to office

**54.** No person shall be appointed as medical officer, physician or surgeon in any branch of the public service of the Territories or in any hospital or other charitable institution not supported wholly by voluntary contributions unless he is registered under the provisions of this Ordinance. No. 5 of 1888, s. 46.

Certificates  
to be by  
registered  
persons

**55.** No certificate required by any Ordinance in force or that may hereafter be passed, from any physician or surgeon or medical practitioner shall be valid unless the person signing the same is registered under this Ordinance. No. 5 of 1888, s. 47.

#### INTERPRETATION.

Interpretation

**56.** The words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any other words implying legal recognition of any person as a medical practitioner or member of the medical profession when used in any ordinance or law shall in so far as such ordinance or law applies to the Territories be construed to mean a person registered under this Ordinance. No. 5 of 1888, s. 55.

#### PUBLICATION OF MEDICAL REGISTER.

Register of  
practitioners  
Publication  
and effect of

**57.** The registrar shall from time to time and at least annually under direction of the council cause to be printed and published a correct register of the names in alphabetical order according to the surnames with the respective residences in form B in the schedule to this Ordinance or to the like effect together with the medical titles, diplomas and qualifications conferred by any college or body, of all persons appearing on the register as existing on the day of publication and such register shall be called the North-West Territories' Medical Register and a copy of the register for the time being purporting to be so printed and published as aforesaid shall be *prima facie* evidence in all Territorial courts and before all justices of the peace and all others that the persons therein specified are registered according to the provisions of this Ordinance; and subject to the provisions of subsection 2 of this section the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Ordinance.

(2) In the case of any person whose name does not appear in such copy a certified copy, under the hand of the registrar, of the entry of the name of such person on the register shall be evidence that such person is registered under this Ordinance. No. 5 of 1888, s. 40; No. 38 of 1897, s. 26 (2).

#### EVIDENCE OF REGISTRATION.

**58.** In all cases where proof of registration under this Ordinance is required to be made the production of a printed or other copy of the register or of any extract therefrom certified by the registrar shall be sufficient evidence of registration in lieu of the production of the original register; and any certificate purporting to be signed by any person in his capacity of registrar of the council under this Ordinance shall be *prima facie* evidence that such person is such registrar without any proof of his signature or of his being in fact such registrar. No. 5 of 1888, s. 50; No. 38 of 1897, s. 26 (3).

Evidence of registration

#### OFFENCES AND PENALTIES. PROSECUTIONS.

**59.** Any person entitled to be registered under this Ordinance but who neglects or omits to be so registered shall not be entitled to any of the rights or privileges conferred by registration so long as such neglect or omission continues and he shall be liable to all the penalties imposed by this Ordinance or any other Ordinance in force against unqualified or unregistered practitioners. No. 5 of 1888, s. 41.

Practitioners omitting to register

**60.** No unregistered person shall practise medicine or surgery for hire or hope of reward; and if any person not registered pursuant to this Ordinance for hire, gain or hope of reward practises or professes to practise medicine or surgery he shall be guilty of an offence and upon summary conviction thereof be liable to a penalty not exceeding \$100. No. 5 of 1888, s. 42.

Unregistered persons practising for reward

**61.** Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner or assumes any title, addition or description other than he actually possesses and is legally entitled to under this Ordinance shall be liable on conviction thereof before a justice of the peace to a penalty not exceeding \$50 nor less than \$10. No. 5 of 1888, s. 43; No. 24 of 1892, s. 2.

Pretending to be a physician, etc.

**62.** Any person not registered pursuant to this Ordinance who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Ordinance or that he is recognized by law as a physician, surgeon, or a licentiate in medicine or surgery shall be liable upon summary conviction to pay any penalty not exceeding \$100 nor less than \$25. No. 5 of 1888, s. 44.

Assuming false title

**63.** Any prosecutions under this Ordinance may be brought or heard before a justice of the peace. In case the penalty and

Prosecutions Penalty

cost awarded are not upon conviction forthwith paid the justice may commit the offender to the common gaol there to be imprisoned for any term not exceeding one month unless the penalty and costs are sooner paid. No. 5 of 1888, s. 48.

Onus of proof **64.** In any prosecution under this Ordinance the burden of proof of registration shall be upon the person charged. No. 5 of 1888, s. 49.

Limitation of prosecutions **65.** Every prosecution under this Ordinance shall be commenced within six months from the date of the alleged offence. No. 5 of 1888, s. 51.

Council may stay proceedings **66.** The council by an order signed by the president having the seal of the council appended thereto may stay proceedings in any prosecutions under this Ordinance where it is deemed expedient. No. 5 of 1888, s. 52.

Application of fines **67.** All fines and penalties imposed under any of the provisions of this Ordinance and all moneys to be received or levied thereunder shall after the receipt thereof by the person authorised to receive the same be forthwith paid by such person to the treasurer for the uses of the college. No. 34 of 1894, s. 2.

#### RETURNS.

General return may be called for **68.** The registrar whenever required by the Lieutenant Governor shall transmit to the territorial secretary a return certified under oath setting forth all such information and particulars relating to the college as may from time to time be required. No. 38 of 1897, s. 25 (6).

### SCHEDULE.

#### FORM A.

#### THE MEDICAL PROFESSION ORDINANCE, A.D. 1

#### VOTING PAPER FOR ANNUAL ELECTION.

I *John James Brown*, a registered medical practitioner, vote for the five persons hereinafter named to form the members of the Medical Council of the North-West Territories :

1. George Courtney, Banff.
2. William Jenner, Calgary.
3. Thomas Morgan, Regina.
4. John Mitchell, Moose Jaw.
5. Francis Jones, Qu'Appelle.

And I declare that I am entitled to vote at this election and am not in default in payment of my fees to the council.

Dated,

April, 1

*John James Brown.*

Witness :

*Horace Young.*



## FORM B.

| NAME. | RESIDENCE.           | QUALIFICATION.                  |
|-------|----------------------|---------------------------------|
| A. B. | Banff . . . . .      | M.A., M.D., Toronto University. |
| C. D. | Calgary . . . . .    | M.D., Glasgow, Scotland.        |
| E. F. | Regina . . . . .     | L.S.A., London, England.        |
| G. H. | Qu'Appelle . . . . . | M.D., New York, U. S.           |

## CHAPTER 53.

### An Ordinance respecting Dentistry.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Dentistry Ordinance.*" No. 41 of 1897, s. 1.

#### THE DENTAL ASSOCIATION.

Dental Association constituted      **2.** The members of the Dental Association of the North-West Territories formed under the provisions of Ordinance No. 6 of 1892 and such other persons as hereafter from time to time are registered and certificated under the provisions of this Ordinance shall constitute an association to be known as "The Dental Association of the Territories" and the said association shall be deemed a body politic and corporate and shall have perpetual succession and a common seal with power to sue or to be sued and acquire, hold and dispose of chattel property and real estate for the purposes of this Ordinance. No. 41 of 1897, s. 2.

#### ANNUAL MEETING.      OFFICERS OF ASSOCIATION.

Annual meeting      **3.** A meeting of the association shall be held on the first Tuesday in April in each year at such hour and place as the officers of the association hereinafter mentioned may appoint at which meeting not less than three members of the association shall constitute a quorum and the members present at such meeting shall appoint officers consisting of a president, vice president and secretary treasurer who shall hold office until the next annual meeting of the association or until others are appointed in their stead.

Appointment of officers

Officers pending holding of meeting      (2) Until the said meeting is held and their successors are appointed the president, vice president and secretary treasurer of the Dental Association of the North-West Territories are hereby declared to be the officers of the association hereby created with all the powers conferred upon such officers by this Ordinance. No. 41 of 1897, s. 3.

#### REGISTRATION OF DENTISTS.      STUDENTS.

Registration of dentist      **4.** The association shall cause to be kept by the secretary treasurer a book or register in which shall be entered the name of every person registered according to the provisions of this Ordinance and from time to time the names of all persons who have complied with the enactments hereinafter contained

and with the rules and regulations made or to be made by the said association respecting the qualifications to be required from dental practitioners in the Territories and those persons only whose names are inscribed in the book or register above mentioned shall be deemed to be properly qualified and licensed to practise dentistry or dental surgery in the Territories except as hereinafter provided and such book or register shall at all times be open and subject to inspection by any person.

(2) All dentists certificated under the provisions of Ordinance No. 6 of 1892 shall be deemed to be registered according to the provisions of this Ordinance. No. 41 of 1897, s. 4. Previously certificated dentists

**5.** It shall be the duty of the secretary-treasurer to keep his register correct in accordance with the provisions of this Ordinance and the rules, orders and regulations of the association and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Ordinance and the said secretary-treasurer shall perform such other duties as may be imposed upon him by the association. No. 41 of 1897, s. 5. Duties of secretary treasurer

**6.** The secretary-treasurer shall admit upon the register : Persons to be admitted on register

- (a) Any person who at the time of the passing of Ordinance No. 41 of 1897 was and had been for the twelve months next preceding actively engaged within the Territories in the practise of the profession of dentistry or dental surgery and who verifies by statutory declaration that he had been so actively engaged as aforesaid ;
- (b) Any person possessing a diploma of graduation in dental surgery from the faculty of any Canadian dental college or the faculty of any Canadian university having a special dental department or from any such institution duly authorised by the laws of Great Britain or any of her dependencies ;
- (c) Any person possessing a license to practise dental surgery issued by any of the provinces of the Dominion of Canada exercising similar powers as conferred by this Ordinance and in which the standing for qualification is equal to that of the Territories ;
- (d) Any person possessing a diploma from a foreign dental institution which required at the time of issue of such diploma attendance at a regular course of lectures and practice for a period of not less than two and one half years ;
- (e) Any person receiving a recommendation from the board of dental examiners for the Territories ;

and it shall be the duty of the person claiming to be entitled to be registered to produce to the secretary-treasurer evidence satisfactory to him that he is entitled thereto. No. 41 of 1897, s. 6 ; No. 40 of 1898, s. 16.

Articles of  
students

**7.** Articles entered into after the coming into force of this Ordinance binding any person to serve as a student of dentistry to a dental practitioner in the Territories shall be in duplicate and one copy shall be filed with the secretary-treasurer; and unless so filed within six months from the date thereof shall be reckoned to commence on the date of the production for filing. No. 41 of 1897, s. 7.

## Fees

**8.** Any person whose name is admitted upon the register shall pay a fee of \$25 if he is admitted under the provisions of clauses (b), (c) or (d) of section 6 of this Ordinance and a fee of \$10 if he is admitted under the provisions of clause (e) of the said section; and upon being registered and the payment of the proper fee he shall be entitled to receive a certificate to that effect under the corporate seal of the association and signed by the secretary treasurer and shall be entitled to receive a similar certificate annually upon payment of a fee to be determined by the association, such fee to be payable on the first day of January in each year. No. 41 of 1897, s. 8.

Board of  
examiners

**9.** The officers of the association shall be a board of examiners whose duty it shall be to prepare papers and examine students in dentistry and grant, to such as are worthy, recommendations for registration. No. 41 of 1897, s. 9.

Recommendation for  
registration  
of students

**10.** Recommendations for registration shall only be granted by the board of dental examiners to students of dentistry in the Territories—

- (a) Who are over twenty-one years of age.
- (b) Who produce evidence of scholarship equal to that required to pass the Public School Leaving Examination;
- (c) Who have articulated themselves to and served an apprenticeship of two and one-half years with a dental practitioner who is registered as such under this Ordinance or under the laws of any province of Canada and is practising within the Territories or such province;
- (d) Who have passed the examination prescribed by the board of examiners.

(2) The provisions of clause (b) of this section shall not apply to any student articulated prior to the 15th day of December, 1897. No. 41 of 1897, s. 10; No. 40 of 1898, s. 16.

## PRACTISING WITHOUT REGISTRATION.

Penalty for  
practising  
without being  
registered

**11.** Any person not in possession of a valid certificate as aforesaid who practises dentistry or dental surgery (except the extraction of teeth) shall be guilty of an offence and upon summary conviction thereof shall be liable to a penalty not exceeding \$100 and in default of payment forthwith after

conviction to imprisonment for any term not exceeding one month. No. 41 of 1897, s. 11.

**12.** No person who is not registered as required by this Ordinance shall recover in any court of law any fees or money for services rendered or materials provided by him in the practise of dentistry or dental surgery. No. 41 of 1897, s. 12. Unregistered practitioner cannot recover fees

**13.** The secretary treasurer whenever required by the Lieutenant Governor shall transmit to the territorial secretary a return certified under oath setting forth all such information and particulars relating to the association as may from time to time be required. No. 41 of 1897, s. 13. Secretary treasurer to make return to Territorial secretary when required

#### MEDICAL PRACTITIONERS.

**14.** The provisions of this Ordinance shall not apply to any registered practitioner of medicine or surgery in the Territories. No. 41 of 1897, s. 14. Ordinance not to apply to practitioners of medicine or surgery

## CHAPTER 54.

### An Ordinance respecting Chemists and Druggists.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Pharmaceutical Association Ordinance*." No. 22 of 1891-92, s. 1.

#### THE PHARMACEUTICAL ASSOCIATION.

"The Pharmaceutical Association of the N.W.T.  
continued"      **2.** All persons now registered or deemed to be registered under the provisions of Ordinance No. 22 of 1891-92 respecting chemists and druggists and all persons hereafter registered under the provisions of this Ordinance shall constitute the corporation called "The Pharmaceutical Association of the North-West Territories," and the said association shall be deemed a body politic and corporate with power to sue or be sued and acquire, sell, transfer and deal with real and personal property. No. 22 of 1891-92, ss. 2, 3.

#### MEETINGS OF ASSOCIATION. COUNCIL.

General meetings  
Council  
  
Voting at meetings  
  
Council, five members

**3.** There shall be general meetings of the said association held from time to time as hereinafter mentioned and there shall also be a council to direct and manage the affairs of the said corporation ; and the said general meetings and the council shall have the entire direction and management of the said corporation in the manner and subject to the regulations hereinafter mentioned ; and at all general meetings and meetings of the council the majority of the members present and having a right to vote thereat respectively shall decide upon the matters propounded to such meetings—the person presiding in case of an equality of votes to have the casting vote. No. 22 of 1891-92, s. 6.

**4.** The council of the association shall be composed of not more than five members to be elected in accordance with the provisions hereinafter contained. No. 22 of 1891-92, s. 7.

Duration of office  
  
Resignation

**5.** The members of such council shall be elected or appointed as the case may be for the period of two years but any member may resign his appointment at any time by letter addressed to the president or to the registrar of the council ; and upon the death, resignation or removal of any member of the council it shall be lawful for the council to elect and appoint some other person being a member of the association to supply the vacancy so made ; and the person so appointed shall be

taken in all respects as regards his duration of office to represent the person in whose stead he has been appointed. No. 22 of 1891-92, s. 8.

**6.** The association may hold general meetings once in the year and also such special meetings as the council may from time to time think proper; the annual general meeting shall be held on the third Tuesday in the month of June in each year or such other day near thereto as shall be determined by the council; and further upon the recommendation in writing of six members of the association entitled to vote requesting the council to convene a special general meeting of the association for the purpose specified in the requisition; such meeting shall be convened by the president within such reasonable time as the council shall see fit—they first giving such notice thereof as may be required by the bylaws of the corporation and the purpose for which the same is convened. No. 22 of 1891-92, s. 9. Meetings of association

**7.** The persons qualified to vote at elections of members of the council shall be such persons as are at that time members of the association and the time, place and manner of such elections shall be as laid down by the by laws of the corporation subject to the provisions of this Ordinance. No. 22 of 1891-92, s. 10. Election of members of council

**8.** No person shall be eligible to be elected a member of the council unless he be registered in pursuance of this Ordinance. No. 22 of 1891-92, s. 11. Unregistered person ineligible

**9.** The charge and conduct of elections shall be under the management of the registrar of the council. No. 22 of 1891-92, s. 12. Conduct of elections

**10.** Every person entitled to vote may vote for five persons. No. 22 of 1891-92, s. 13. Votes

**11.** Such votes shall be given by closed voting papers to be obtained from the registrar prior to the day of election in form A in schedule 1 hereto or to the like effect signed by the voter and delivered to the registrar on any of the twenty days preceding the day of election. Any voting papers delivered to the said registrar by post during the time aforesaid shall be deemed delivered to him. No. 22 of 1891-92, s. 14. Method of voting

**12.** The five persons who have the highest number of votes shall be the members of the council for the two years following the date of such election and until their successors are appointed. No. 22 of 1891-92, s. 16. Persons elected Duration of office

**13.** Any person entitled to vote at any election shall be entitled to be present at the opening of the voting papers at such election. No. 22 of 1891-92, s. 17. Voters present at count

**14.** In case of an equality of votes between two or more persons which leaves the election of one or more of the mem- Equality of votes

bers of the council undecided, the registrar shall in the presence of the scrutineers forthwith put into a box a number of papers with the names of the candidates having such equality of votes written thereon one for each candidate and the registrar in the presence of the scrutineers shall draw by chance from such ballot box one or more of such ballot papers sufficient to make up the required number and the persons whose names are upon such papers so drawn shall be such members. No. 22 of 1891-92, s. 18.

#### OFFICERS.

Officers to  
be elected

**15.** The council of the said corporation for the time being shall at their first meeting after the election of the council elect from among their members a president, a vice president and a registrar and such officers as the council may consider necessary. No. 22 of 1891-92, s. 19.

#### PROPERTY OF ASSOCIATION.

Property of  
association

**16.** The council of the association shall have the sole control and management of the real and personal property of such association subject to the bylaws thereof:

Sale or  
mortgage

Provided always that no sale or mortgage of any such property shall be made except with the approbation and concurrence of a general meeting of the members of the said corporation specially called for such purpose. No. 22 of 1891-92, s. 24.

#### BYLAWS, RULES AND REGULATIONS.

General rules  
and by laws

**17.** The council shall have power to make such bylaws, rules and regulations not inconsistent with the provisions of this Ordinance as they shall deem necessary for the carrying out of the objects of the association and from time to time may amend, revoke or substitute others in their stead; and such bylaws, rules and regulations may also be amended, altered or repealed in whole or in part at any annual general meeting of the association provided previous notice be given of the intention so to do, such notice to be given in accordance with the bylaws in force for the time being. No. 22 of 1891-92, s. 25.

#### REGISTER.

Registry to  
be kept

**18.** It shall be the duty of the registrar to make and keep a correct register in accordance with the provisions hereof of all persons who are registered under the provisions hereof and to enter their qualifications opposite the names of all registered persons who shall have filed a statement of such and from time to time make the necessary alterations in the address of persons so registered. No. 22 of 1891-92, s. 20.

Persons  
entitled to  
admission

**19.** The registrar shall admit upon the register of the Pharmaceutical Association of the North-West Territories:

(1) Any person possessing a diploma or certificate of admission to practise as a pharmaceutical chemist in any part of Her



Majesty's dominions by any pharmaceutical association or college of pharmacy empowered by law to grant such diploma or certificate ;

(2) Any person who shall produce satisfactory evidence that he has been engaged in the actual practise of the profession of chemist and druggist, or dispensing chemist or apothecary, either as clerk or manager, for at least four years prior to the twenty-fifth day of January, 1892, and who was at that time a resident of the Territories ;

(3) Any person complying with section 22 of this Ordinance. No. 22 of 1891-92, s. 21.

**20.** No names shall be entered in the register except authorised to be registered nor except the registrar is satisfied by proper evidence that the person claiming is entitled to be registered, and any appeal from the decision of the registrar may be decided by the council of the association, and any entry which shall be proved to the satisfaction of the council to have been fraudulently or incorrectly made may be amended or erased in the register by order of such council. No. 22 of 1891-92, s. 22.

Evidence of right to admission  
Appeals from registrar  
Fraudulent entries

**21.** Upon any person being registered as aforesaid he shall be entitled to receive a certificate in form B in schedule 1 here-to, or to the like effect, under the corporate seal of the association and signed by the registrar, and shall be entitled to receive a similar certificate annually upon payment of a fee to be determined by the council. No. 22 of 1891-92, s. 27.

Certificate of registration

#### EXAMINATION OF STUDENTS.

**22.** Every candidate for examination shall produce evidence that he has served at least four years in a drug store, and shall pass an examination which shall embrace chemistry, pharmacy, botany, *materia medica*, reading and translating prescriptions and practical dispensing ; and after passing this examination and producing the required certificates shall be registered a pharmaceutical chemist. No. 22 of 1891-92, s. 4.

Examination of students

**23.** The examination referred to shall take place and be regulated by such rules, regulations or bylaws as may be in force at the time such examination is held ; and all candidates for the same shall pay such fees as may be imposed by any such rules, regulations or bylaws. No. 22 of 1891-92, s. 5.

Rules for examinations

**24.** The council of the association shall have authority, notwithstanding anything contained in this Ordinance, to prescribe the subjects upon which candidates for competency shall be examined and to establish a scale of fees to be paid by persons applying for examination. No. 22 of 1891-92, s. 23.

Examinations  
Fees

#### SALE OF POISONS.

**25.** The several articles named or described in schedules

Poisons

2 and 3 hereto shall be deemed to be poisonous within the meaning of the provisions hereof, and the council of the association may from time to time by resolution declare that any other article in such resolution named ought to be deemed a poison within the meaning hereof; and thereupon the said association shall submit the same to the approval of the Lieutenant Governor in Council; and if such approval shall be given then such resolution and approval shall be advertised in *The North-West Territories Gazette*, and on the expiration of two months from such advertisement the article named in the resolution shall be deemed to be "poison" within the meaning hereof and the same shall be subject to the provisions herein contained. No. 22 of 1891-92, s. 29; No. 38 of 1897, s. 27 (1).

Sale of poisons

**26.** It shall be unlawful to sell any poison named in the first part of said schedule 2, either by wholesale or retail, unless the bottle, vessel, wrapper or cover in which such poison is contained is distinctly labelled with the name of the article and the word "poison"; and if sold by retail then also with the name and address of the establishment in which such poison is sold; and it shall be unlawful to sell any poison mentioned in the first part of schedule 2 to any person unknown to the seller unless introduced by some person known to the seller; and on every sale of such article the person actually selling the same shall before delivery make an entry in a book to be kept for that purpose in form C in schedule 1 hereto stating the date of such sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required, and the name of the person, if any, who introduced him, to which entry the signature of the purchaser shall be affixed:

(2) Any person selling the drugs mentioned in schedule 3 hereto shall also comply with the provisions of this section. No. 22 of 1891-92, s. 30.

#### REGISTERED PRACTITIONERS. RESTRICTIONS. PENALTIES.

Rights of  
registered  
persons

**27.** Any person registered and no other shall be entitled a "Pharmaceutical chemist;" and no other person except a pharmaceutical chemist as aforesaid, or his employee or employees, shall be authorised to compound prescriptions of legally authorised or other medical practitioners or of other persons; and no person shall be entitled to take part in any of the proceedings of the said association who is in default in respect to any fee payable by him by virtue hereof. No. 22 of 1891-92, s. 26.

Fees to be paid

Prohibitions  
against non  
members

**28.** It shall be unlawful for any person to keep open shop for retailing, dispensing or compounding poisons other than those contained in schedule 3 hereto, or to assume the title "Chemist and Druggist" or "Pharmaceutical Chemist" or "Druggist" or "Pharmacist" or "Apothecary" or "Dispensing Chemist (Druggist)" in any part of the North-West Territories unless such person shall be a member of the association hereby incorporated. No. 22 of 1891-92, s. 28.

**29.** No person selling any article or articles in violation of the provisions of this Ordinance shall recover any charges in respect thereof in any court of law or equity nor shall any branch drug business be carried on by a pharmaceutical chemist unless he employs in it a duly registered pharmaceutical chemist. No. 22 of 1891-92, s. 33.

No recovery of charges where Ordinance violated Branch business

**30.** Any person transgressing any of the provisions herein contained, or selling any poison in violation thereof, shall for the first offence incur a penalty not exceeding \$100 and costs of prosecution; and for each offence subsequent to such conviction a penalty not exceeding \$200 and costs of prosecution, to be recovered in a summary manner before any justice of the peace. No. 22 of 1891-92, s. 31.

Penalties

**31.** In any prosecution hereunder it shall be incumbent on the defendant to prove that he is entitled to sell or keep open shop for compounding medicines or retailing poisons and to assume the title of chemist and druggist or other like title to the like effect; and the production of a certificate purporting to be under the hand of the registrar and under the seal of the said association showing that he is so entitled shall be *prima facie* evidence that he is so entitled. No. 22 of 1891-92, s. 32.

Prosecutions Evidence

#### REMOVAL FROM REGISTER.

**32.** Upon the resolution of the council of the association being passed declaring that any person, in consequence of his conviction for any offence or offences against the provisions hereof, is in the opinion of such council unfit to be on the register the Lieutenant Governor may direct that the name of such person shall be erased from such register, and it shall be the duty of the registrar to erase the same accordingly. No. 22 of 1891-92, s. 35; No. 38 of 1897, s. 27 (2).

Removal from register for improper conduct

#### EXCEPTIONS FROM OPERATION OF ORDINANCE.

**33.** Nothing herein contained shall extend to interfere with the privileges conferred upon physicians and surgeons by any Ordinance relating to the practise of medicine and surgery in the North-West Territories, and they may be registered as pharmaceutical chemists without undergoing examination; nor shall it prevent any person whatever from selling goods of any kind to any person legally authorised to carry on the business of an apothecary, chemist or druggist, or the profession of a doctor of medicine, physician or surgeon, nor to veterinary surgeons; nor to prevent the members of such professions supplying to their patients such medicine as they may require; and upon the decease of any person legally authorised and actually carrying on the business of chemist and druggist at the time of his death it shall be lawful for the executors, administrators or trustee or trustees of the estate of such persons to continue such business so long only as such business shall be *bona fide* conducted by a pharmaceutical chemist. No. 22 of 1891-92, s. 34.

Exceptions in certain cases Medical practitioners, etc. Sale to physicians, druggists or veterinaries Executors of registered chemist

## RETURNS.

General  
return may  
be required

**34.** The registrar whenever required by the Lieutenant Governor shall transmit to the Territorial secretary a return certified under oath setting forth all such information and particulars relating to the Pharmaceutical Association as may from time to time be required. No 38 of 1897, s. 27. (3).

## SCHEDULE 1.

## FORM A.

## NORTH-WEST PHARMACEUTICAL ASSOCIATION.

## VOTING PAPER FOR ANNUAL ELECTION, A.D. 1

I, *John James Brown*, a registered pharmaceutical chemist, vote for the five persons hereinafter named to form the members of the council of the North-West Territories Pharmaceutical Association :

1. George Courtney, Banff.
2. William Jenner, Calgary.
3. Thomas Morgan, Regina.
4. John Mitchell, Moose Jaw.
5. Francis Jones, Qu'Appelle.

And I declare that I am entitled to vote at this election and am not in default in payment of my fees to the council.

Dated

April, 1

*John James Brown.*

Witness :

*Horace Young.*

## FORM B.

## CERTIFICATE OF REGISTRATION.

I hereby certify that *C. D.*, being entitled to registration, by having \_\_\_\_\_ was on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1 \_\_\_\_\_, duly registered as a pharmaceutical chemist and is authorised to carry on the business of chemist and druggist in the North-West Territories of Canada from the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1 \_\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1 \_\_\_\_\_.

(Signed)

*E.F.*,

Registrar of the North-West Territories  
Pharmaceutical Association.

[SEAL.]

## FORM C.

## POISON SALES REGISTER.

| Date. | Name and address of purchaser | Name and quantity of poison sold | Purpose for which poison is required | Signature of purchaser | Signature of person introducing purchaser | Signature of seller |
|-------|-------------------------------|----------------------------------|--------------------------------------|------------------------|---|---------------------|
|       |                               |                                  |                                      |                        |   |                     |

## SCHEDULE 2.

## LIST OF POISONS.—PART 1ST.

Aconite and its preparations.  
 Arsenic and its preparations.  
 Belladonna and its preparations.  
 Cantharides.  
 Corrosive sublimate.  
 Cyanide of potassium and all metallic cyanides.  
 Ergot of Rye and its preparations.  
 Essential Oil of Almonds, unless deprived of prussic acid.  
 Euphorbium.  
 Opium and its preparations.  
 Prussic acid.  
 Savin and its oil.  
 St Ignatius bean.  
 Strychnine and all its preparations.  
 Tartar emetic.

## PART 2ND.

Acetate of lead.  
 Oxalic acid.  
 Calabar beans.  
 Carbolic acid  
 Chloral hydrate.  
 Chloroform and ether.  
 Croton oil and seeds,  
 Elaterium, Goulard's extract.  
 Hellebore.  
 Henbane and preparations.  
 Iodine.  
 Phosphorus.  
 Red and white precipitate.  
 Verdigris.  
 Sulphate of zinc.

## SCHEDULE 3.

Tincture aconite in original packages.

Cantharides blister.

Laudanum or paregoric in original packages.

Strychnine in original packages.

Acetate of lead.

Carbolic acid.

Hellebore.

Paris green.

Red precipitate.

Sulphate of zinc.

## CHAPTER 55.

### An Ordinance respecting Veterinary Surgeons.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. No person shall practise the profession of veterinary surgery in the Territories without having first obtained from the Territorial secretary a license as hereinafter provided entitling him to practise veterinary surgery. No. 12 of 1895, s. 1; No. 38 of 1897, s. 28 (1). Practitioners to be licensed

2. Such license may be issued, upon payment of a fee of \$5, to the following persons and no others: Issue of license

(a) Persons possessing a diploma or certificate of admission as veterinary surgeons in any part of Her Majesty's Dominions by any body or association empowered by law to grant such diploma or certificate.

(b) Persons being on the 31st day of December, 1892, registered or entitled to be registered as veterinary surgeons under the provisions of Ordinance No. 12 of 1892, who apply for registration hereunder before the first day of July, 1899. No. 12 of 1895, s. 2; No. 40 of 1898, s. 14.

3. Such license shall remain in force until cancelled by the Lieutenant Governor in Council. No. 12 of 1895, s. 3. Duration of license

4. Any person, other than those holding a valid license, who practises for reward veterinary surgery, except the castration, spaying or dehorning of any animal, shall be guilty of an infraction of this Ordinance and upon summary conviction thereof shall pay a fine of not more than \$25 and costs. No. 12 of 1895, s. 4; No. 11 of 1896. Penalty

## CHAPTER 56.

### An Ordinance respecting Hotel and Boarding House Keepers.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This ordinance may be cited as "*The Hotelkeepers' Ordinance.*" R.O. c. 31, s. 1.

#### LIEN OF HOTEL OR BOARDING HOUSE KEEPER.

Right of  
detention and  
sale of goods  
of lodger  
indebted for  
board, etc.

**2.** Any hotel, boarding or lodging house keeper may seize and detain in his hotel, house, or on his premises, and before the same shall have been removed therefrom, the trunks and personal property of any person who is indebted to him for board and lodging and shall be responsible for the safe keeping of the same ; and in addition to all remedies provided by law he shall have the right in case the charges remain unpaid for three months after the seizure thereof to sell by public auction the baggage and property of such guest, boarder or lodger, so seized, on posting and keeping posted during the period of one week on the outside of the door of such hotel, boarding or lodging house a notice of such intended sale, stating the name of the guest, boarder or lodger, the amount of his indebtedness, a description of the baggage or other property to be sold, the time and place of sale, and the name of the auctioneer, and after such sale, such inn, hotel, boarding or lodging house keeper may apply the proceeds of such sale in payment of the amount due to him as aforesaid and the costs of such advertising and sale ; and he shall pay over the surplus if any to the person entitled thereto on application being made by him therefor ; and in case application therefor be not forthwith made he shall immediately pay the same to the Territorial treasurer, to be kept by him for such owner for one year ; after which time if such owner has not previously claimed the amount so kept the same shall form part of the general revenue fund of the Territories. R.O. c. 31, s. 2 ; No. 23 of 1898, s. 1.

Disposition  
of surplus

No lien for  
liquors

**3.** No hotel, boarding or lodging house keeper shall have a right to detain the trunks or personal property of any one, or to have a lien thereon, for wines or spirituous or fermented liquors supplied to him or to any one else by his order. R.O. c. 31, s. 3.

#### LIABILITY OF HOTEL KEEPER.

Limitation of  
liability of

**4.** No hotel keeper shall after the coming into force of this Ordinance be liable to make good to any guest of such hotel



keeper any loss of or injury to goods or property brought to his hotel (not being a horse or other live animal or any gear appertaining thereto or any carriage), to a greater amount than \$200, except in the following cases, that is to say : hotelkeeper in certain cases

1. When such goods or property shall have been stolen, lost or injured through the default or neglect of such hotel keeper or any servant in his employ ;

2. When such goods or property shall have been deposited expressly for safe custody with such hotel keeper :

Provided always that, in case of such deposit it shall be lawful for such hotel keeper if he thinks fit, to require as a condition to his liability that such goods or property shall be deposited in a box or other receptacle fastened and sealed by the person depositing the same. R.O. c. 31, s. 4.

5. If any hotel keeper shall refuse to receive for safe custody as before mentioned any goods or property of his guest, or if any such guest shall through any default of the hotel keeper be unable to deposit such goods or property as aforesaid, the hotel keeper shall not be entitled to the benefit of this Ordinance in respect of such goods or property. Refusal of hotelkeeper to receive goods into safe custody R.O. c. 31, s. 5.

#### ORDINANCE TO BE POSTED.

6. Every hotel keeper shall cause to be kept conspicuously posted in the office and public rooms in his hotel a copy of this Ordinance printed or plainly written, and he shall be entitled to the benefits of this Ordinance in respect of such goods or property only as shall be brought to his hotel while such copy shall be so posted as aforesaid. This Ordinance to be posted in hotels R.O. c. 31, s. 6.

## CHAPTER 57.

### An Ordinance respecting Keepers of Livery, Boarding and Sale Stables.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Livery Stable Keepers' Ordinance.*" No. 40 of 1897, s. 1.

#### INTERPRETATION.

Interpretation      **2.** In this Ordinance unless the context otherwise requires :  
"Livery stable keeper"      1. The expression "livery stable keeper" means and includes any person who for a money consideration or the equivalent thereof carries on the business of letting or hiring out carriages, sleighs or other vehicles, or horses or other animals, whether with or without a carriage, sleigh or other vehicle, and whether accompanied by an employee of the livery stable keeper or not ;  
"Boarding stable keeper"      2. The expression "boarding stable keeper" means and includes any person who, for a money consideration or its equivalent, stables, boards or cares for any animal ;  
"Sales stable keeper"      3. The expression "sales stable keeper" means and includes any person who stables, boards or cares for any animal other than his own, with the intention of selling or disposing of the same, and who receives or is to receive payment for such services whether in the nature of a commission or otherwise. No. 40 of 1897, s. 2.

#### LIEN OF STABLE KEEPER. ENFORCEMENT.

Lien on animals and effects      **3.** Every livery stable, boarding stable or sales stable keeper shall have a lien on the animals and effects hereinafter mentioned for the value or price of any food, care, attendance or accommodation furnished for any such animal or effects and in addition to all other remedies provided by law may detain in his custody and possession any animal, vehicle, harness, furnishings or other gear appertaining thereto and the personal effects of any person who is indebted to him for stabling, boarding or caring for such animal. No. 40 of 1897, s. 3.

Care of animals and effects detained      **4.** Every livery stable, boarding stable or sales stable keeper, who has exercised the right of detention by this Ordinance provided shall be obliged to keep in his possession and be responsible for the proper care of any animal or effects detained by him for the full period of such detention unless they shall sooner be released ; and if the owner does not reclaim the animals and effects so detained by paying the indebtedness in

respect of the same within one month from the commencement of such detention, the keeper detaining may sell or cause the same to be sold by public auction on giving two weeks' notice of sale by advertisement in the newspaper published nearest to such stable, or if more than one newspaper be published in the same locality, then in either one and by posting up notices in the nearest post office and in the said livery or boarding stable of the intended sale, stating (if known):

- (a) The names of the owner and the person or persons who brought such animals or effects to the stable;
- (b) The amount of indebtedness and charges for detention;
- (c) A description of the animals and effects; and
- (d) The name of the seller. No. 40 of 1897, s. 4.

**5.** The proceeds derived from such sale shall be applied:

- (a) In paying the expenses incurred by such detention, advertising and sale: Application of proceeds of sale
- (b) In paying the debt for which such detention was made; and the surplus if any shall be paid to the person entitled thereto on application being made by him therefor. No. 40 of 1897, s. 5.

**6.** In case such owner does not apply for the same within one month from the day of such sale then such surplus shall be handed over to the Territorial treasurer to be kept by him in a special trust account for one year, after which time if such owner does not appear or claim the amount so kept the same shall be paid over and belong to the general revenue fund of the Territories. No. 40 of 1897, s. 6. Balance of proceeds if not claimed to be handed to Territorial treasurer

#### ORDINANCE TO BE POSTED.

**7.** It shall be the duty of every livery stable, boarding stable and sales stable keeper to have a copy of this Ordinance hung or posted in a conspicuous place in every such stable and in default of compliance with this section he shall not be entitled to the benefit of this Ordinance. No. 40 of 1897, s. 7. Copy of Ordinance to be posted in stable

#### PERIODICAL CLEANSING OF STABLE.

**8.** Every livery stable, boarding stable and sales stable keeper in the Territories shall in each and every year in the months of April and October thoroughly cleanse all the stalls, mangers and feed boxes in such stable by thoroughly washing the same with soap and hot water and immediately afterwards thoroughly applying to every part of the same a solution of bichloride of mercury in the following proportions, namely, one half drachm to one gallon of water; and the keeper of any such stable who shall fail during each of the months aforesaid in any year to cause such cleansing to be done shall for such default or omission on summary conviction before any justice of the peace be liable for the first offence to a fine of not more than \$10 and to a fine of not more than \$25 for every subsequent offence. No. 40 of 1897, s. 8. Stable to be thoroughly cleansed and disinfected twice every year

## CHAPTER 58.

### An Ordinance respecting Auctioneers, Hawkers and Pedlers.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Interpretation  
"Hawker"  
"Pedler"

1. In this Ordinance the expression "hawker" or "pedler" means and includes any person who (being a principal or any agent in the employ of any person) goes from house to house selling or offering for sale any goods, wares or merchandise or carries and exposes samples or patterns of any goods, wares or merchandise to be afterwards delivered within the Territories to any person not being a wholesale or retail dealer in such goods, wares or merchandise ; but shall not mean or include any person selling meat, fish, fruit, agricultural implements, sewing machines or farm produce by retail. No. 38 of 1897, s. 29 (1) ; No. 40 of 1898, s. 11.

License to  
pursue certain  
callings

2. No person shall follow the calling or pursue the business of an auctioneer, hawker or pedler within the Territories without having first obtained a license therefor, which license shall be issued by such person as the Lieutenant Governor in Council may authorise. R.O. c. 37, s. 1 ; No. 35 of 1892, s. 8.

Application  
for license

3. Every applicant for a hawker's or pedler's license shall as part of his application for such license furnish a statement in writing containing a full description of the goods, wares and merchandise which he proposes to sell or offer for sale under such license. No. 38 of 1897, s. 29 (3).

Fees payable

4. On every application for a license under this Ordinance there shall be paid :

- (a) For a hawker's or pedler's license the sum of \$25 ;
- (b) For an auctioneer's license, on first application therefor, the sum of \$10 and on every subsequent consecutive application the sum of \$5. No. 38 of 1897, s. 29 (2).

Hawker's  
sales limited

5. No hawker or pedler shall sell or offer for sale any goods, wares or merchandise other than those set forth in his application for license. No. 38 of 1897, s. 29 (3).

Duration  
of license

6. Every license issued under this Ordinance shall expire on the thirty-first day of December of the year in which it is issued. R.O. c. 37, s. 3.

Penalty

7. Any person violating the provisions of this Ordinance

shall be liable, on summary conviction thereof, to a fine not exceeding \$100 and costs of prosecution. R.O. c. 37, s. 4.

**8.** The provisions of this Ordinance shall not apply within Municipalities a municipality nor shall any license be issued under the pro-<sup>excepted</sup>visions hereof in any such municipality. R.O. c. 37, s. 5.

## CHAPTER 59.

An Ordinance respecting Liens in favour of Mechanics and others.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

### SHORT TITLE.

Short title      1. This Ordinance may be cited as "*The Mechanics' Lien Ordinance.*" R.O. c. 48, s. 1.

### INTERPRETATION.

Interpretation      2. In this Ordinance

"Contractor"      1. The expression "contractor" means a person contracting with or employed directly by the owner for the doing of work or placing or furnishing of machinery or materials for any of the purposes mentioned in this Ordinance ;

"Sub Contractor"      2. The expression "sub-contractor" means a person not contracting with or employed directly by the owner for the purposes aforesaid but contracting with or employed by the contractor or under him by another subcontractor ;

"Owner"      3. The expression "owner" shall extend to and include a person having any estate or interest in the lands upon or in respect of which the work is done or materials or machinery are placed or furnished at whose request and upon whose credit or on whose behalf or consent or for whose direct benefit any such work is done, or materials or machinery placed or furnished, and all persons claiming under him whose rights are acquired after the work in respect of which the lien is claimed is commenced or the materials or machinery furnished have been commenced to be furnished. R.O. c. 48, s. 2.

### LIEN FOR WORK ON MATERIALS.

Agreement as to liens      3. No agreement shall be held to deprive any one otherwise entitled to a lien under this Ordinance and not a party to the agreement of the benefit of the lien but the lien shall attach notwithstanding such agreement. R.O. c. 48, s. 3.

Nature of lien      4. Unless he signs an express agreement to the contrary, every mechanic, machinist, builder, miner, labourer, contractor, or other person doing work upon or furnishing materials to be used in the construction, alteration or repair of any building or erection, or erecting, furnishing or placing machinery of any kind in, upon or in connection with any building, erection or mine, shall, by virtue of being so employed or furnishing, have a lien for the price of the work, machinery or materials,

upon the building, erection or mine, and the lands occupied thereby or enjoyed therewith, limited in amount to the sum justly due to the person entitled to the lien. R.O. c. 48, s. 4.

**5.** The lien shall attach upon the estate and interest of the owner, as defined by this Ordinance, in the building, erection or mine, in respect of which the work is done or the materials or machinery placed or furnished and the land occupied thereby or enjoyed therewith. Property upon which lien shall attach

(2) In cases where the estate or interest charged by the lien is leasehold the land itself may also with the consent of the owner, thereof be subject to said lien provided such consent is testified by the signature of such owner upon the claim of lien at the time of the registering thereof and duly verified. Where estate charged is leasehold

(3) In case the land upon or in respect of which any work as aforesaid is executed or labour performed or upon which materials or machinery are placed is encumbered by a prior mortgage or other charge and the selling value of the land is increased by the construction, alteration or materials or machinery, the lien under this Ordinance shall be entitled to rank upon the increased value in priority to the mortgage or other charge. R.O. c. 48, s. 5 ; No. 24 of 1898, s. 1. Prior mortgage

**6.** Without prejudice to any lien which he may have under the preceding sections every mechanic, labourer or other person who performs labour for wages upon the construction, alteration or repairs of any building or erection or in erecting or placing machinery of any kind in, upon or in connection with any building, erection or mine shall to the extent of the interest of the owner have upon the building, erection or mine and the land occupied thereby or enjoyed therewith a lien for such wages, not exceeding the wages of thirty days or a balance equal to his wages for thirty days. Claim for wages

(2) The lien for wages given by this section shall attach when the labour is in respect of a building, erection or mine on property belonging to the wife of the person at whose instance the work is done, upon the estate or interest of the wife in such property as well as upon that of her husband. R.O. c. 48, s. 6.

**7.** In all cases the owner shall in the absence of a stipulation to the contrary be entitled to retain for a period of thirty days after the completion of the contract ten per centum of the price to be paid to the contractor. R.O. c. 48, s. 7. Owner to retain 10% of contract price for 30 days

**8.** In case the lien is claimed by a subcontractor the amount which may be claimed in respect thereof shall be limited to the amount payable to the contractor or subcontractor (as the case may be) for whom the work has been done or the materials or machinery have been furnished or placed. R.O. c. 48, s. 8. Lien claimed by sub contractor

**9.** All payments up to ninety per centum of the price to be paid for the work, machinery or materials as defined by section Payments made in good

faith without  
notice of lien

4 of this Ordinance, made in good faith by the owner to the contractor, or by the contractor to the subcontractor, or by one sub-contractor to another subcontractor, before notice in writing by the person claiming the lien has been given to such owner, contractor or subcontractor (as the case may be) of the claim of such person, shall operate as a discharge *pro tanto* of the lien created by this Ordinance, but this section shall not apply to any payment made for the purpose of defeating or impairing a claim to a lien existing or arising under this Ordinance.

(2) A lien shall in addition to all other rights or remedies given by this Ordinance also operate as a charge to the extent of ten per centum of the price to be paid by the owner for the work, machinery or materials, as defined by section 4 of this Ordinance, up to ten days after the completion of the work or of the delivery of the materials in respect of which such lien exists and no longer, unless notice in writing be given as herein provided.

(3) A lien for wages for thirty days, or for a balance equal to the wages for thirty days, shall, to the extent of the said ten per cent. of the price to be paid to the contractor, have priority over all other liens under this Ordinance and over any claim by the owner against the contractor for or in consequence of the failure of the latter to complete his contract. R.O. c. 48, s. 9.

Lien not to  
increase  
liability of  
owner

**10.** Save as herein provided, the lien shall not attach so as to make the owner liable to a greater sum than the sum payable by the owner to the contractor. R.O. c. 48, s. 10.

Persons  
having claims  
against the  
lien holders

**11.** All persons furnishing material to or doing labour for the person having a lien under this Ordinance in respect of the subject of such lien, who notify the owner of the premises sought to be affected thereby, within thirty days after such material is furnished or labour performed, of an unpaid account or demand against such lienholder for such material or labour, shall be entitled, subject to the provisions of sections 6 and 9 of this Ordinance, to a charge therefor *pro rata* upon any amount payable by such owner under said lien; and if the owner thereupon pays the amount of such charge to the person furnishing material and doing labour as aforesaid, such payment shall be deemed a satisfaction *pro tanto* of such lien. R. O. c. 48, s. 11.

Disputes to  
be settled by  
action or  
arbitration

**12.** In case of a dispute as to the validity or amount of an unpaid account or demand, of which notice is given to the owner under the preceding section, the same shall be first determined by action in the Supreme Court in that behalf, or by arbitration in manner mentioned in section 14 of this Ordinance, at the option of the person having the unpaid account or demand against the lienholder; and pending the proceedings to determine the dispute, so much of the amount of the lien as is in question therein may be withheld from the person claiming the lien. R.O. c. 48, s. 12.



**13.** In case the person primarily liable to the person giving such notice as mentioned in section 11 of this Ordinance, fails to pay the amount awarded within ten days after the award is made or judgment given, the owner, contractor, or subcontractor may pay the same out of any moneys due by him to the person primarily liable as aforesaid, on account of the work done or materials or machinery furnished or placed in respect of which the debt arose; and such payment, if made after an award or judgment, or if made without any arbitration or suit having been previously had or dispute existing, then, if the debt in fact existed, and to the extent thereof shall operate as a discharge *pro tanto* of the moneys so due as aforesaid to the person primarily liable. R.O. c. 48, s. 13.

**14.** In case a claim is made by a sub-contractor in respect of a lien on which he is entitled, and a dispute arises as to the amount due or payable in respect thereof, the same shall be settled by arbitration. Arbitration of sub-contractor's claim

(2) One arbitrator shall be appointed by the person making the claim, one by the person by whom he was employed, and the third arbitrator by the two so chosen.

(3) The decision of the arbitrators or a majority of them shall be final and conclusive.

(4) In case either of the parties interested in any such dispute refuses or neglects within three days after notice in writing requiring him to do so, to appoint an arbitrator, or if the arbitrators appointed fail to agree upon a third, the appointment may be made by a judge of the Supreme Court. R.O. c. 48, s. 14; No. 24 of 1898, s. 2.

**15.** During the continuance of a lien no portion of the property or machinery affected thereby shall be removed to the prejudice of the lien; and any attempt at such removal may be restrained by application to the Supreme Court or a judge thereof. Material affected by lien not to be removed R.O. c. 48, s. 15.

#### REGISTRATION OF LIEN.

**16.** A claim of lien applicable to the case may be deposited in the land titles office of the land registration district in which the land is situated and shall state: Registration of lien

- (a) The name and residence of the claimant, and of the owner of the property to be charged and of the person for whom and upon whose credit the work is done or materials or machinery furnished and the time or period within which the same was or was to be done or furnished;
- (b) The work done or material or machinery furnished;
- (c) The sum claimed as due or to become due;
- (d) The description of the property to be charged;
- (e) The date of expiring of the period of credit agreed to by the lienholder for payment for his work, materials or machinery where credit has been given.

(2) Such claim shall be verified by the affidavit of the claimant or his agent. R.O. c. 48, s. 16 ; No. 24 of 1898, s. 3.

Claim for wages  
Uniting  
several claims

**17.** A claim for wages may include the claims of any number of mechanics, labourers or other persons aforesaid who may choose to unite them, in such case each claimant shall verify his claim by his affidavit but need not repeat the facts set out in the claim and an affidavit substantially in accordance with form D in the schedule to this Ordinance shall be sufficient. R. O. c. 48, s. 17.

Claims to be  
filed as an  
incumbrance

**18.** The registrar upon payment of the proper fee shall enter and register the claim as an encumbrance against the land or the estate or interest in land therein described as provided in *The Land Titles Act* 1894. The said claim of lien may be described as a mechanics' lien. No. 24 of 1898, s. 4.

Lien holder a  
purchaser  
*pro tanto*

**19.** Where a claim is so deposited the person entitled to the lien shall be deemed a purchaser *pro tanto*. R.O. c. 48, s. 19.

Time for  
registration

**20.** Where the lien is for wages under sections 6 or 9 of this Ordinance the claims may be registered :

- (a) At any time within thirty days after the last day's labour for which the wages are payable ; or
- (b) At any time within thirty days after the completion of the construction, alteration or repair of the building or erection or after the erecting or placing of the machinery in or towards which, respectively, the labour was performed and the wages earned but so that the whole period shall not exceed sixty days from the last day's labour aforesaid.

(2) Such lien shall not be entitled to the benefit of the provisions of sections 6 and 9 of this Ordinance after the said respective periods unless the same is duly registered before the expiration of the said periods so limited.

(3) Such lien shall have the same priority for all purposes after as before registration. R.O. c. 48, s. 20.

Time for  
registration

**21.** In other cases the claim of lien may be deposited before or during the progress of the work or within thirty days from the completion thereof or from the supplying or placing the machinery. R.O. c. 48, s. 21.

#### PROCEEDINGS TO REALISE LIEN.

Actions to  
enforce  
unregistered  
lien  
Time for

**22.** Every lien which has not been duly deposited under the provisions of this Ordinance shall absolutely cease to exist on the expiration of the time hereinbefore limited for the registration thereof unless in the meantime proceedings are instituted to realise the claim under the provisions of this Ordinance and a certificate thereof (which may be granted by the court in which or judge before whom the proceedings are instituted) is duly filed in the land titles office of the land regis-

tration district wherein the property in respect of which the lien is claimed is situated. R.O. c. 48, s. 22.

**23.** Every lien which has been duly deposited under the provisions of this Ordinance shall absolutely cease to exist after the expiration of ninety days after the work has been completed or materials or machinery furnished or wages earned or the expiry of the period of credit where such period is mentioned in the claim of lien filed unless in the meantime proceedings are instituted to realise the claim under the provisions of this Ordinance and a certificate thereof (which may be granted by the court in which or judge before whom the proceedings are instituted) is duly registered in the land titles office of the land registration district wherein the property in respect of which the lien is claimed is situate. R.O. c. 48, s. 23.

Action to enforce registered lien  
Time for

**24.** If there is no period of credit or if the date of expiry of the period of credit is not stated in the claim so filed the lien shall cease to exist upon the expiration of ninety days after the work has been completed or materials or machinery furnished unless in the meantime proceedings shall have been instituted pursuant to section 23 of this Ordinance. R.O. c. 48, s. 24.

Time for action if no period of credit or none stated

**25.** In all cases the lien may be realised in the Supreme Court in the judicial district in which the land charged is situated according to the ordinary procedure of that court. R.O. c. 48, s. 28.

Lien realisable in Supreme Court

**26.** Any number of lienholders may join in one action and any action brought by a lienholder shall be taken to be brought on behalf of all the lienholders of the same class who shall have registered their liens before or within thirty days after the commencement of the action or who shall within the said thirty days file in the proper office of the court from which the writ issued a statement of their respective claims intituled in or referring to the said action.

Lienholders joining in action  
Action enuring to class

(2) In the event of the death of the plaintiff or his refusal or neglect to proceed any other lienholder of the same class who has registered his claim or filed his statement in the manner and within the time above limited for that purpose may be allowed to prosecute and continue the action on such terms as may be considered just and reasonable by the court or judge.

Death of plaintiff or refusal to proceed

(3) In case of a sale of the estate and interest charged with the lien the court or judge may direct the sale to take place at any time after one month from the recovery of judgment and it shall not be necessary to delay the sale for a longer period than is requisite to give reasonable notice thereof.

Sale of land  
Time for

(4) The said court or judge may also direct the sale of any machinery and authorise its removal.

Machinery

(5) When judgment is given in favor of a lien the court or judge may add to the judgment the costs of and incidental to registering the lien as well as the costs of the action.

Costs

Class to rank  
*pari passu*

(6) Where there are several liens under this Ordinance against the same property each class of the lienholders shall, subject to the provisions of sections 5, 9 and 11 of this Ordinance, rank *pari passu* for their several amounts against the said property and the proceeds of any sale shall, subject as aforesaid, be distributed amongst such lienholders *pro rata* according to their several classes and rights and they shall respectively be entitled to execution for any balance due to them respectively after said distribution.

Removing  
lien on terms

(7) Upon application the court or judge may receive security or payment into court in lieu of the amount of the claim and may thereupon vacate the registry of the lien.

Annulling  
registration

(8) The court or judge may annul the said registry upon any other ground.

Summary  
hearing and  
determination

(9) In any of the cases mentioned in subsections (7) and (8) the court or judge may proceed to hear and determine the matter of the said lien and make such order as seems just, and in case the person claiming to be entitled to such lien has wrongfully refused to sign a discharge thereof or without just cause claims a larger sum than is found by such court or judge to be due the court or judge may order and adjudge him to pay the costs to the other party. R.O. c. 48, s. 29.

#### DEATH OF LIENHOLDER. ASSIGNMENT OF LIEN.

Death of  
holder

**27.** In the event of the death of a lienholder his right of lien shall pass to his personal representatives and the right of a lienholder may be assigned by any instrument in writing. R.O. c. 48, s. 25.

Assignment  
of lien

#### DISCHARGE OF LIEN.

Discharge  
of lien

**28.** A lien may be discharged by a receipt signed by the claimant or his agent duly authorised in writing acknowledging payment and verified by affidavit and filed, such receipt shall be numbered and entered by the registrar like other instruments but need not be copied in any book; the fees shall be the same as for registering a claim of lien. R.O. c. 48, s. 26.

Discharge  
to be at  
contractor's  
cost

**29.** When there is a contract for the prosecution of the work as hereinbefore mentioned the registration of all discharges of liens shall be at the cost of the contractor unless a court or judge otherwise orders. R.O. c. 48, s. 27.

#### EXECUTION AGAINST PERSON SUPPLYING MATERIAL.

Materials  
exempt from  
execution

**30.** Where any mechanic, artisan, machinist, builder, miner, contractor or any other person has furnished or procured materials for use in the construction, alteration or repair of any building, erection or mine at the request of and for some other person, such materials shall not be subject to execution or other process to enforce any debt (other than for the purchase thereof) due by the person furnishing or procuring such materials, and whether the same have or not been in whole or in part

worked into or made part of such building or erection. R.O.  
c. 48, s. 30.

#### LIENS ON CHATTELS.

**31.** Every mechanic or other person who has bestowed money or skill and materials upon any chattel or thing in the alteration and improvement of its properties or for the purpose of imparting an additional value to it so as thereby to be entitled to a lien upon such chattel or thing for the amount or value of the money or skill and materials bestowed, shall, while such lien exists but not afterwards in case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid, have the right in addition to all other remedies provided by law to sell the chattel or thing in respect of which the lien exists on giving one month's notice by advertisement in a newspaper published in the locality in which the work was done or in case there is no newspaper published in such locality or within ten miles of the place where the work was done, then by posting up not less than five notices in the most public places within the locality for one month, stating the name of the person indebted, the amount of the debt, a description of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer, and leaving a like notice in writing at the residence or last known place of residence if any of the owner as the case may be or by mailing the same to him by registered letter if his address be known.

Liens for  
improvement  
of chattels  
Enforcing

(a) Such mechanic or other person shall apply the proceeds of the sale in payment of the amount due to him and the costs of advertising and sale and shall upon application pay over any surplus to the person entitled thereto. No. 5 of 1889.

#### FORMS.

**32.** The forms in the schedule hereto shall be deemed sufficient for the purposes specified in such schedule.

### SCHEDULE.

#### FORM A.

#### CLAIM OF LIEN.

*A.B., (name of claimant) of (here state residence of claimant), (if so, as assignee of state name and residence of original lienholder) claims a lien under The Mechanics' Lien Ordinance upon the estate of (here state the name and residence of the owner of the land upon which the lien is claimed) in the under-mentioned land in respect of the following work (or materials) that is to say: (here give a short description of the work done or materials furnished and for which the lien is claimed) which work was (or is to be) done (or materials furnished)*



performed thereon while in employment of (*here state name and residence or names and residences of employers of the several persons claiming the lien*).

|                               |    |     |               |
|-------------------------------|----|-----|---------------|
| A.B., of ( <i>residence</i> ) | \$ | for | days' wages.  |
| C.D., of                      | \$ | for | days' wages.  |
| E.F., of                      | \$ | for | days' wages.* |

The following is the description of the land to be charged :  
(*here set out a concise description of the land to be charged sufficient for the purpose of registration.*)

Dated at \_\_\_\_\_ the \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. 1

(*Signatures of the several claimants.*)

\*[*If any of the above named claimants are assignees of the original lienholder that fact must be stated and the name and residence of the original lienholder stated.*]

## FORM D.

### AFFIDAVIT VERIFYING CLAIM.

I, A.B., named in the above (*or annexed*) claim do make oath that the said claim is true (*or the said claim so far as it relates to me is true*).

Or,

We A.B. and C.D. named in the above (*or annexed*) claim, do make oath and each for himself saith that the said claim, so far as it relates to him, is true.

(*Where affidavit is made by agent or assignee, a clause must be added to the following effect : I have full knowledge of the facts set forth in the above or annexed claim.*)

Sworn before me at  
in the North-West Territories, {  
this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. 1 }

Or,

The said A. B. and C. D. were  
severally sworn before me at {  
in the North-West Ter-  
ritories, this \_\_\_\_\_ day of A.D. 1 }

Or,

The said E. F. was sworn before  
me at \_\_\_\_\_ in the North- {  
West Territories, this \_\_\_\_\_  
day of \_\_\_\_\_ A.D. 1 }

## CHAPTER 60.

### An Ordinance respecting Threshers' Liens.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Thresher  
entitled to  
take grain  
to secure  
payment

1. In every case in which any person threshes or causes to be threshed grain of any kind for another person, at or for a fixed price or rate of remuneration, the person who so threshes the said grain, or causes the same to be threshed, shall have a right to a sufficient quantity of such grain for the purpose of securing payment of the said price or remuneration, if such grain is taken at the time when such threshing is finished. No. 24 of 1895, s. 1.

Quantity and  
value of grain  
to be retained

2. The quantity of grain which may be so retained shall be a sufficient quantity, computed at the market value thereof at the nearest market, less two and one-half cents per bushel for hauling the same to and delivering the same at the nearest available market, when sold, to pay for the threshing of all grain threshed by the person taking the grain or by his servants or agents for the owner thereof during that same season. No. 24 of 1895, s. 2.

Lien to have  
priority

3. The right to retain and remove such quantity of grain shall prevail over all writs of execution against the owner thereof, or chattel mortgages, bills of sale, or conveyances made by him, and over rights of distress for rent reserved upon the land upon which the grain is threshed and the person performing such work of threshing or procuring the same to be done shall be deemed a purchaser for value of the grain which he takes by virtue of this Ordinance. No. 24 of 1895, s. 3.



# TITLE VIII.

## COMPANIES AND KINDRED INSTITUTIONS.

### CHAPTER 61.

#### An Ordinance respecting the Incorporation of Joint Stock Companies.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

##### SHORT TITLE.

**1.** This Ordinance may be cited as "*The Companies Ordinance.*" R.O. c. 30, s. 1. Short title

##### INTERPRETATION.

**2.** In this Ordinance and in all letters patent and supplementary letters patent issued under it unless the context otherwise declares : Interpretation

**1.** The expression "the company" means the company incorporated by letters patent under this Ordinance ; "Company"

**2.** The expression "the undertaking" means the business of every kind which the company is authorised to carry on ; "Under-  
taking"

**3.** The expression "real estate" or "land" includes messuages, lands, tenements and hereditaments of any tenure and all immovable property of any kind ; "Real estate"  
"Land"

**4.** The expression "shareholder" means every subscriber to or holder of stock in the company and includes the personal representatives of the shareholder ; "Shareholder"

**5.** The word "president" whenever it occurs in the said Ordinance shall include "chairman ;" "President"

**6.** The expression "electricity" shall mean electricity supplied for the purposes of creating light, heat or power or of operating a system of telephones. R.O. c. 30, s. 2 ; No. 17 of 1891-2. "Electricity"

##### LETTERS PATENT.

**3.** The Lieutenant Governor in Council may by letters patent under the seal of the Territories grant a charter to any number of persons not less than three who petition therefor constituting such persons and others who thereafter become Incorporation  
by letters  
patent

shareholders in the company thereby created a body corporate and politic for any of the purposes or objects to which the legislative authority of the Legislative Assembly of the Territories extends. R.O. c. 30, s. 3; No. 35 of 1892, s. 6.

Advertise-  
ment of  
application

4. The applicants for such letters patent must advertise by notice published at least once in the official gazette of the Territories and in three consecutive weekly issues of any newspaper published at or nearest the place which is to be the chief business place of the company, their intention to apply for the same stating in such notice :

1. The proposed corporate name of the company, which shall not be that of any other known company, incorporated or unincorporated, or any name liable to be unfairly confounded therewith or otherwise on public grounds objectionable ;

2. The object for which the incorporation is sought ;

3. The place within the Territories which is to be its chief place of business ;

4. The proposed amount of its capital stock ;

5. The number of shares and the amount of each share ;

6. The names in full and the address and calling of each of the applicants, with special mention of the names of not less than three nor more than nine of their number who are to be the first or provisional directors of the company, the majority of whom shall be residents of Canada. R.O. c. 30, s. 4.

Time for  
petition

5. At any time not more than two months after the last publication of such notice the applicants may petition the Lieutenant Governor through the Territorial secretary for the issue of such letters patent. R.O. c. 30, s. 5; No. 38 of 1897, s. 34 (1).

Contents  
of petition

6. Such petition shall set forth :

1. The facts contained in the notice ;

2. The amount of stock taken by each applicant and the amount paid in upon the stock of each applicant as also the manner in which the same has been paid in and is held for the company. R.O. c. 30, s. 6.

Amount of  
stock to be  
taken

7. The aggregate of the stock so taken shall be at least the one-half of the total amount of the proposed capital stock of the company. R.O. c. 30, s. 7.

Disposal  
of amount  
paid up

8. The aggregate paid in on the aggregate stock so taken shall be at least ten per cent. thereof and shall be paid in to the credit of the company or trustees therefor and shall be standing at such credit in some chartered bank of Canada unless the object of the company is one requiring that it should own real estate, in which case such aggregate may be taken as paid in if it is *bona fide* invested in real estate suitable to such object, which is duly held by trustees for the company, and is of

the required value over and above all incumbrances thereon. R.O. c. 30, s. 8.

**9.** The petition may ask for the embodying in the letters patent of any provision which otherwise under the provisions hereof might be incorporated in any bylaw of the company when incorporated; and such provision so embodied shall not, unless provision to the contrary is made in the letters patent, be subject to repeal or alteration by bylaw. R.O. c. 30, s. 9. Additional provisions in letters patent

**10.** Before the letters patent are issued the applicants must establish to the satisfaction of the Territorial secretary or such other officer as may be charged by the Lieutenant Governor in Council to report thereon, the sufficiency of their notice and petition and the truth and sufficiency of the facts therein set forth and that the proposed name is not the name of any other known incorporated or unincorporated company, and to that end the Territorial secretary or such other officer may take and keep of record any requisite evidence in writing under oath, affirmation or solemn declaration. R.O. c. 30, s. 10; No. 38 of 1897, s. 34 (2). Preliminary matters to be proved

**11.** The letters patent shall recite all the material averments of the notice and petition as so established. R.O. c. 30, s. 11. Letters patent Recitals

**12.** The Lieutenant Governor in Council may give to the company a corporate name different from that proposed by the applicants in their published notice if the proposed name is objectionable. R.O. c. 30, s. 12. Corporate name

**13.** The Lieutenant Governor in Council may restrict such letters patent after incorporation in any manner which may seem desirable. No. 38 of 1897, s. 34 (4). Restriction of letters patent after incorporation

**14.** The provisions of this Ordinance relating to matters preliminary to the issue of letters patent shall be deemed directory only; and no letters patent issued or which have heretofore been issued under this Ordinance or any Ordinance for which this Ordinance either wholly or in part shall have been substituted shall be held void or voidable on account of any irregularity in any prescribed notice or on account of the insufficiency of any such notice or on account of any irregularity in respect of any other matter preliminary to the issue of such letters patent. No. 38 of 1897, s. 34 (4). Preliminary requirements directory Irregularities not to avoid

**15.** Notice of the granting of every original letters patent under the provisions of this Ordinance shall be forthwith given in the official gazette of the Territories in form A in the schedule to this Ordinance and thereupon from the date of the letters patent the persons therein named and their successors shall be a body politic and corporate by the name mentioned therein. R.O. c. 30, s. 16. Notice of grant of letters patent

## SUPPLEMENTARY LETTERS GRANTING FURTHER POWERS.

Application  
for  
supplemen-  
tary letters

**16.** The company may from time to time by a resolution passed by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the company at a special general meeting called for the purpose authorise the directors to apply for supplementary letters patent extending the powers of the company to such other purposes or objects within the province of this Ordinance as may be defined in the resolution. R.O. c. 30, s. 17.

Time for  
petition

**17.** The directors may at any time within six months after the passing of any such resolution petition the Lieutenant Governor through the Territorial secretary for the issue of such supplementary letters patent. R.O. c. 30, s. 18; No. 38 of 1897, s. 34 (5).

Notice of  
application

**18.** The applicants for such supplementary letters patent shall give in at least one issue of the official gazette of the Territories and one issue of a local newspaper published at or nearest the chief place of business of the company notice of their intention to apply for the same stating therein the purposes or objects to which it is desired to extend the powers of the company. R.O. c. 30, s. 19.

Preliminary  
proofs

**19.** Before such supplementary letters patent are issued the applicants shall establish to the satisfaction of the Territorial secretary or other officer charged to report thereon the due passing of the resolution authorising the application and the sufficiency of their notice and petition; and for that purpose the Territorial secretary or such other officer may cause to be taken and kept of record any requisite evidence in writing by oath or affirmation or by solemn declaration. R.O. c. 30, s. 20; No. 38 of 1897, s. 34 (6).

Grant of  
supplemen-  
tary letters

Notice thereof

**20.** Upon due proof so made the Lieutenant Governor in Council may grant supplementary letters patent under the seal of the Territories extending the powers of the company to all or any of the objects defined in the resolution; and notice thereof shall be forthwith given by the Territorial secretary in the official gazette of the Territories in form B in the schedule to this Ordinance and thereupon from the date of the supplementary letters patent the undertaking of the company shall extend to and include the other purposes or objects set out in the supplementary letters patent as fully as if such other purposes or objects were mentioned in the original letters patent; and a copy of every such notice shall forthwith be by the company to which the notice relates inserted in at least four separate issues of the newspaper published nearest to where the head office or chief agency is established. R.O. c. 30, s. 21; No. 38 of 1897, s. 34 (7).

## INCREASE OR REDUCTION OF CAPITAL, ETC.

Subdivision  
of shares

**21.** The directors of the company may at any time make a

bylaw subdividing the existing shares into shares of a smaller amount. R.O. c. 30, s. 22.

**22.** The directors of the company may at any time after the whole capital stock of the company has been taken up and fifty per cent. thereof paid in make a bylaw for increasing the capital stock of the company to any amount which they consider requisite for the due carrying out of the objects of the company. R.O. c. 30, s. 23. Increase of capital stock

**23.** Such bylaw shall declare the number of the shares of the new stock and may prescribe the manner in which the same shall be allotted; and in default of its so doing the control of such allotment shall vest absolutely in the directors. R.O. c. 30, s. 24. By law therefor

**24.** The directors of the company may at any time make a bylaw for reducing the capital stock of the company to any amount which they consider advisable and sufficient for the due carrying out of the undertaking of the company; but the capital stock of a loan company shall never be reduced to less than \$25,000. Reduction of capital stock Loan company

(2) Such bylaw shall declare the number and value of the shares of the stock so reduced and the allotment thereof or the manner in which the same shall be made. By law

(3) The liability of shareholders to persons who were at the time of the reduction of the capital creditors of the company shall remain the same as if the capital had not been reduced. R.O. c. 30, s. 25. Shareholders' liability

**25.** No bylaw for increasing or reducing the capital stock of the company or for subdividing the shares shall have any force or effect whatsoever until it is approved by the votes of shareholders representing at least two-thirds in value of all the subscribed stock of the company at a special general meeting of the company duly called for considering the same and afterwards confirmed by supplementary letters patent. R.O. c. 30, s. 26. Ratification of by law

**26.** At any time not more than six months after such sanction of such bylaw the directors may petition the Lieutenant Governor through the Territorial secretary for the issue of supplementary letters patent to confirm the same. Petition for supplementary letters

(2) The directors shall with such petition produce a copy of such bylaw under the seal of the company and signed by the president, vice president or secretary and establish to the satisfaction of the Territorial secretary or of such other officer as may be charged by the Lieutenant Governor in Council to report thereon the due passage and approval of such bylaw and the expediency and *bona fide* character of the increase or reduction of capital or subdivision of shares, as the case may be, thereby provided for. Preliminary requirements

Evidence

(3) The Territorial secretary or such other officer may for that purpose cause to be taken and kept of record any requisite evidence in writing by oath or affirmation or by solemn declaration as above mentioned. R.O. c. 30, s. 27; No. 38 of 1897, s. 34 (8, 9).

Grant of  
supplemen-  
tary letters  
Notice thereof

**27.** Upon due proof so made the Lieutenant Governor in Council may grant such supplementary letters patent under the seal of the Territories; and notice thereof shall be forthwith given by the Territorial secretary in the official gazette of the Territories in form C in the schedule to this Ordinance; and thereupon from the date of the supplementary letters patent the capital stock of the company shall be and remain increased or reduced, or the shares shall be subdivided as the case may be to the amount, in the manner and subject to the conditions set forth by such bylaw and the whole of the stock as so increased or reduced shall become subject to the provisions of this Ordinance in like manner as far as possible as if every part thereof had been or formed part of the stock of the company originally subscribed. R.O. c. 30, s. 28; No. 38 of 1897, s. 34 (10).

Effect

#### POWERS OF THE COMPANY.

Exercise  
of powers

**28.** All powers given to the company by the letters patent or supplementary letters patent shall be exercised subject to the provisions and restrictions contained in this Ordinance. R. O. c. 30, s. 29.

Acquiring and  
disposing of  
property

**29.** Every company incorporated under this Ordinance may acquire, hold, sell and convey any real estate requisite for the carrying on of the undertaking of such company and shall forthwith become and be invested with all property and rights real and personal theretofore held by or for it under any trust created with a view to its incorporation and with all the powers, privileges and immunities requisite or incidental to the carrying on of its undertaking as if it was incorporated by a special Ordinance embodying the provisions hereof and of the letters patent. R.O. c. 30, s. 30.

#### CAPITAL STOCK.

Stock  
personalty  
Transfer

**30.** The stock of the company shall be personal estate and shall be transferrable in such manner and subject to all such conditions and restrictions as are prescribed by this Ordinance, or by the letters patent or by bylaws of the company. R.O. c. 30, s. 31.

Allotment

**31.** If the letters patent or the supplementary letters patent make no other definite provision the stock of the company or any increased amount thereof so far as it is not allotted thereby shall be allotted at such times and in such manner as the directors prescribe by bylaw. R.O. c. 30, s. 32.

**32.** Every share in the company shall subject to the provisions of section 8 of this Ordinance be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash unless the same has been otherwise agreed upon or determined by a contract duly made in writing and filed with the Territorial secretary at or before the issue of such share. R.O. c. 30, s. 33; No 38 of 1897, s. 34 (11).

Shares subject to payment in cash  
Exception

#### DIRECTORS.

**33.** The affairs of the company shall be managed by a board of not more than nine and not less than three directors. R.O. c. 30, s. 34.

Number of directors

**34.** The persons named as such in the letters patent shall be the directors of the company until replaced by others duly appointed in their stead. R.O. c. 30, s. 35.

Provisional directors continued

**35.** No person shall be elected or appointed as a director thereafter unless he is a shareholder owning stock absolutely in his own right and to the amount required by the bylaws of the company and not in arrear in respect of any call thereon; and at all times the majority of the directors of the company shall be persons resident in Canada. R.O. c. 30, s. 36.

Qualification of directors

**36.** The company may by bylaw increase to not more than fifteen or decrease to not less than three the number of its directors or may change the company's chief place of business in the Territories; but no bylaw for either of the said purposes shall be valid or acted upon unless it is approved by a vote of at least two-thirds in value of the stock represented by the shareholders present at a special general meeting duly called for considering the bylaw nor until a copy of such bylaw certified under the seal of the company has been deposited with the Territorial secretary and has also been published in the official gazette of the Territories. R.O. c. 30, s. 37; No. 38 of 1897, s. 34 (12).

Increase or decrease of directors  
Change of chief place of business

**37.** Directors of the company shall be elected by the shareholders in general meeting of the company assembled in some place within the Territories at such time, in such manner, and for such term, not exceeding two years, as the letters patent, or in default thereof, as the bylaws of the company prescribe. R.O. c. 30, s. 38.

Election of directors  
Term of office

**38.** In the absence of other provisions in that behalf in the letters patent or bylaws of the company—

(a) The election of directors shall take place yearly and all the directors then in office shall retire but if otherwise qualified they shall be eligible for re-election;

Election of directors

(b) Notice of the time and place for holding general meetings of the company shall be given at least twenty-one days previously thereto in some newspaper published in the place where the head office or chief place of business of the company is

Notice of meetings

situate or if there is no such newspaper then in the place nearest thereto in which a newspaper is published;

Voting at  
general  
meetings

(c) At all general meetings of the company every shareholder shall be entitled to give one vote for each share then held by him; such votes may be given in person or by proxy—the holder of any such proxy being himself a shareholder; but no shareholder shall be entitled either in person or by proxy to vote at any meeting unless he has paid all the calls then payable upon all the shares held by him. All questions proposed for the consideration of the shareholders shall be determined by the majority of votes the chairman presiding at such meeting having the casting vote in case of an equality of votes;

Ballot election

(d) Every election of directors shall be by ballot;

Vacancies  
in directorate

(e) Vacancies occurring in the board of directors may be filled for the remainder of the term by the directors from among the qualified shareholders of the company;

President  
and officers

(f) The directors shall from time to time elect from among themselves a president, and if they see fit, a vice-president of the company and may also appoint all other officers thereof. R.O. c. 30, s. 39.

Elections not  
held at proper  
time

**39.** If at any time an election of directors is not made or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any subsequent general meeting of the company duly called for that purpose; and the retiring directors shall continue in office until their successors are elected. R.O. c. 30, s. 40; No. 12 of 1890.

#### POWERS OF DIRECTORS.

Administra-  
tion of affairs  
of company  
Contracts

**40.** The directors of the company may administer the affairs of the company in all things and make or cause to be made for the company any description of contract which the company may by law enter into; and may from time to time make bylaws not contrary to law or to the letters patent of the company or to this Ordinance for the following purposes:

By laws

- (a) The regulation of the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for nonpayment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock;
- (b) The declaration and payment of dividends;
- (c) The number of the directors, their term of service, the amount of their stock qualification, and their remuneration if any;
- (d) The appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration;



- (e) The time and place for the holding of the annual meetings of the company, the calling of meetings, regular and special, of the board of directors and of the company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings ;
- (f) The imposition and recovery of all penalties and forfeitures which admit of regulation by bylaw ;
- (g) The conduct in all other particulars of the affairs of the company ;

and the directors may from time to time repeal, amend or re-enact the same ; but every such bylaw and every repeal, amendment or re-enactment thereof unless in the meantime confirmed at a general meeting of the company duly called for that purpose shall only have force until the next annual meeting of the company and in default of confirmation thereat shall at and from that time only cease to have force. R.O. c. 30, s. 41. Perpetuation of by laws by shareholders

**41.** No bylaw for the issue, allotment or sale of any portion of the unissued stock at any greater discount or at any less premium than that which has been previously authorised at a general meeting and no bylaw for the remuneration of the president or any director shall be valid or acted upon until the same has been confirmed at a general meeting. R.O. c. 30, s. 42. By laws requiring ratification of shareholders

**42.** The directors may deduct from the dividends payable to any shareholder all such sums of money as are due from him to the company on account of calls or otherwise. R.O. c. 30, s. 43. Deduction of calls, etc., from dividends

**43.** The directors may when authorised by a bylaw for that purpose passed and approved of by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the company represented at a special general meeting duly called for considering the bylaw : By laws to borrow money or hypothecate property

- (a) Borrow money upon the credit of the company and issue bonds, debentures or other securities for any sums borrowed at such prices as are deemed necessary or expedient ; but no debentures shall be for a less sum than \$100 ;
- (b) Hypothecate or pledge the real or personal property of the company to secure any sums borrowed by the company ; but the amount borrowed shall not at any time be greater than seventy-five per cent. of the actual paid up stock of the company ;

but the limitation made by this section shall not apply to commercial paper discounted by the company. R.O. c. 30, s. 44.

#### CALLS.

**44.** The directors may from time to time make such calls upon the shareholders in respect of all moneys unpaid upon Calls on unpaid shares

their respective shares as they think fit at such times and places and in such payments or instalments as the letters patent or this Ordinance or the bylaws of the company require or allow. R.O. c. 30, s. 45.

**Calls when due** **45.** A call shall be deemed to have been made at the time when the resolution of the directors authorising such call was passed; and if a shareholder fails to pay any call due by him on or before the day appointed for the payment thereof he shall be liable to pay interest for the same at the rate of six per cent. per annum from the day appointed for payment to the time of actual payment thereof. R.O. c. 30, s. 46.

**Interest**

**Payment on shares before call** **46.** The directors may if they think fit receive from any shareholder willing to advance the same all or any part of the amounts due on the shares held by such shareholder beyond the sums then actually called for; and upon the moneys so paid in advance or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance is made the company may pay interest at such rate not exceeding eight per cent. per annum as the shareholder who pays such sum in advance and the directors agree upon. R.O. c. 30, s. 47.

**Interest**

**Forfeiture of shares for nonpayment of calls** **47.** If after such demand or notice as is prescribed by the letters patent or by the bylaws of the company any call made upon any share is not paid within such time as by such letters patent or by the bylaws is limited in that behalf the directors in their discretion by vote to that effect duly recorded in their minutes may summarily declare forfeited any shares whereupon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of as by the bylaws of the company or otherwise is prescribed but notwithstanding such forfeiture the holder of such shares at the time of forfeiture shall continue liable to the then creditors of the company for the full amount unpaid on such shares at the time of forfeiture less any sums which are subsequently received by the company in respect thereof. R.O. c. 30, s. 48.

**Action for calls** **48.** The directors may if they see fit instead of declaring forfeited any share or shares enforce payment of all calls and interest thereon by action in any court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter but it shall be sufficient to declare that the defendant is a holder of one share or more stating the number of shares and is indebted in the sum of money to which the calls in arrear amount in respect of one call or more upon one share or more stating the number of calls and the amount of each call whereby an action has accrued to the company under this Ordinance; and a certificate under the seal of the company and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, that such call or calls has or have been made and that so much is due by him and unpaid thereon shall be received in all courts as *prima facie* evidence thereof. R.O. c. 30, s. 49.

**Evidence**

## BOOKS OF THE COMPANY.

**49.** The company shall cause a book or books to be kept by the secretary or by some other officer specially charged with that duty wherein shall be kept recorded— Books to be kept

(a) A copy of the letters patent incorporating the company and of any supplementary letters patent and of all bylaws of the company ;

(b) The names alphabetically arranged of all persons who are or have been shareholders ;

(c) The address and calling of every such person while such shareholder ;

(d) The number of shares of stock held by each shareholder ;

(e) The amount paid in and remaining unpaid respectively on the stock of each shareholder ;

(f) The names, addresses and calling of all persons who are or have been directors of the company with the several dates at which each became or ceased to be a director ;

(g) A book called the register of transfers shall be provided and in such book shall be entered the particulars of every transfer of shares in the capital of the company. R.O. c. 30, s. 50.

**50.** Such books shall during reasonable business hours of every day except Sundays and holidays be kept open for the inspection of shareholders and creditors of the company and their personal representatives at the head office or chief place of business of the company and every such shareholder, creditor or personal representative may make extracts therefrom. R.O. c. 30, s. 51. Inspection of books by creditors, etc.

**51.** Every director, officer or servant of the company who knowingly makes or assists in making any untrue entry in any such book or who refuses or wilfully neglects to make any proper entry therein or to exhibit the same or to allow the same to be inspected and extracts to be taken therefrom shall be liable on summary conviction thereof before a judge of the Supreme Court to a penalty not exceeding \$500. R.O. c. 30, s. 52. Penalty on officers falsifying books, refusing inspection, etc.

**52.** Every company which neglects to keep such book or books as aforesaid shall forfeit its corporate rights. R.O. c. 30, s. 53. Omission to keep books

**53.** Such books shall be *prima facie* evidence of all facts purporting to be therein stated, in any action suit or proceeding against the company or against any shareholder. R.O. c. 30, s. 54. Books prima facie evidence

## TRANSFER OF SHARES.

**54.** No transfer of shares unless made by sale under execution or under the decree, order or judgment of a court of com- Registration of transfers

petent jurisdiction shall be valid for any purpose whatever until entry thereof is duly made in the register of transfers except for the purpose of exhibiting the rights of the parties thereto towards each other and of rendering the transferee liable in the meantime jointly and severally with the transferor to the company and its creditors. R.O. c. 30, s. 55.

Consent of  
directors to  
registration  
of transfers

**55.** No transfer of shares whereof the whole amount has not been paid in shall be made without the consent of the directors; and whenever any transfer of shares not fully paid in has been made with such consent to a person who is not apparently of sufficient means to fully pay up such shares, the directors shall be jointly and severally liable to the creditors of the company in the same manner and to the same extent as the transferring shareholder but for such transfer would have been; but if any director present when any such transfer is allowed does forthwith or if any director then absent does within twenty-four hours after he becomes aware thereof and is able so to do enter on the minute book of the board of directors his protest against the same and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby and not otherwise exonerate himself from such liability. R.O. c. 30, s. 56.

Change of  
interest in  
shares

Doubt as to  
person entitled

Company's  
petition for  
adjudication

**56.** Whenever the interest in any shares of the capital stock of the company is transmitted by the death of any shareholder or otherwise or whenever the ownership of or legal right of possession in any share changes by any lawful means other than by transfer according to the provisions of this Ordinance and the directors of the company entertain reasonable doubts as to the legality of any claim to such shares the company may make and file in the Supreme Court in the judicial district in which the head office of the company is situated a declaration and petition in writing, addressed to a judge of the court, setting forth the facts and the number of shares previously belonging to the person in whose name such shares stand in the books of the company and praying for an order or judgment adjudicating and awarding the said shares to the person or persons legally entitled to the same by which order or judgment the company shall be guided and held fully harmless and indemnified and released from every other claim to the said shares or arising in respect thereof. R.O. c. 30, s. 57.

Notice of  
petition

Procedure

Costs

**57.** Notice of the intention to present such petition shall be given to the person claiming such shares or to the advocate of such person duly authorised for the purpose who shall upon the filing of such petition establish his right to the shares referred to in such petition; and all the proceedings in such cases shall be the same as those observed in analogous cases before the said Supreme Court:

Provided always that the costs and expenses of procuring

such order or judgment shall be paid by the person or persons to whom such shares are declared lawfully to belong; and that such shares shall not be transferred in the books of the company until such costs and expenses are paid saving the recourse of such person for such costs and expenses against any person contesting his right to such shares. R.O. c. 30, s. 58.

**58.** No share shall be transferable until all previous calls thereon are fully paid in. R.O. c. 30, s. 59. Transfer, calls unpaid

**59.** The directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the company. R.O. c. 50, s. 60. Shareholder indebted to company

**60.** Any transfer of the shares or other interest of a deceased shareholder made by his personal representative shall notwithstanding such personal representative is not himself a shareholder be of the same validity as if he had been a shareholder at the time of his execution of the instrument of transfer. R.O. c. 30, s. 61. Transfer by personal representative

#### LIABILITY OF SHAREHOLDERS.

**61.** The shareholders of the company shall not as such be responsible for any act, default or liability of the company or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or connected with the company beyond the amount unpaid on their respective shares in the capital stock thereof. R.O. c. 30, s. 62. Limited liability of shareholders

**62.** Every shareholder until the whole amount of his shares has been paid up shall be individually liable to the creditors of the company to an amount equal to that not paid thereon; but he shall not be liable to an action therefor by any creditor until an execution at the suit of such creditor against the company has been returned unsatisfied in whole or in part; and the amount due on such execution not exceeding the amount unpaid on his shares as aforesaid shall be the amount recoverable with costs from such shareholder; and any amount so recoverable if paid by the shareholders shall be considered as paid on his shares. R.O. c. 30, s. 63. Liability of shareholders to creditors

**63.** No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate or the minor, ward or interdicted person or the person interested in such trust fund would be if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability; but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly. R.O. c. 30, s. 64. Persons holding shares as representatives

Representatives and  
pledgers may  
vote

**64.** Every such executor, administrator, tutor, curator, guardian or trustee shall represent the stock held by him at all meetings of the company and may vote as a shareholder; and every person who pledges his stock may represent the same at all such meetings and notwithstanding such pledge vote as a shareholder. R.O. c. 30. s. 65.

#### LIABILITY OF DIRECTORS AND OFFICERS.

Dividends  
impairing  
capital, etc.  
Liability of  
directors

**65.** If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent or impairs the capital stock thereof, they shall be jointly and severally liable as well to the company as to the individual shareholders and creditors thereof for all the debts of the company then existing and for all thereafter contracted during their continuance in office respectively; but if any director present when such dividend is declared does forthwith or if any director then absent does within twenty-four hours after he becomes aware thereof and able to do so enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby and not otherwise exonerate himself from such liability. R.O. c. 30, s. 66.

Loans to  
shareholders  
Liability of  
directors

**66.** No loan shall be made by the company to any shareholder; if such loan is made all directors and other officers of the company making the same or in anywise assenting thereto, shall be jointly and severally liable for the amount of such loan, with interest, to the company and also to the creditors of the company for all debts of the company then existing or contracted between the time of the making of such loan and that of the repayment thereof. R.O. c. 30, s. 67.

Liability of  
directors  
for wages

**67.** The directors of the company shall be jointly and severally liable to the clerks, labourers, servants and apprentices thereof for all debts not exceeding six months' wages due for services performed for the company whilst they are such directors respectively; but no director shall be liable to an action therefor unless the company is sued therefor within one year after the debt becomes due nor unless such director is sued therefor within one year from the time when he he ceased to be such director nor unless an execution against the company in respect of such debt is returned unsatisfied in whole or in part; and the amount unsatisfied on such execution shall be the amount recoverable with costs from the directors. R.O. c. 30, s. 68.

#### DOMICILE.—SERVICE OF PROCESS, ETC.

Legal  
domicile

**68.** The company shall at all times have an office in the place where its chief place of business is situate which shall

be the legal domicile of the company in the Territories and notice of the situation of such office and of any change thereof shall be published in the official gazette of the Territories; and the company may establish such other offices and agencies elsewhere in the said Territories as it deems expedient. R.O. c. 30, s. 69.

Notice of  
change

Offices and  
agencies

**69.** Any summons, notice, order or proceeding requiring authentication by the company may be signed by any director, manager or authorised officer of the company and need not be under the seal of the company. R.O. c. 30, s. 70.

Authenti-  
cation of  
proceedings

**70.** Notices to be served by the company upon the shareholders may be served either personally or by sending them through the post in registered letters addressed to the shareholders at their places of abode as they appear in the books of the company. R.O. c. 30, s. 71.

Service on  
shareholders

**71.** A notice or other document served by post by the company on a shareholder shall be held to be served at the time when the registered letter containing it would be delivered in the ordinary course of post; and to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and registered and was put into the post office and the time when it was put in and the time requisite for its delivery in the ordinary course of post. R.O. c. 30, s. 72.

Proof of  
service

**72.** A copy of any bylaw of the company under its seal and purporting to be signed by any officer of the company, shall be received as against any shareholder of the company as *prima facie* evidence of such bylaw in all courts in the Territories. R.O. c. 30, s. 73.

Evidence  
of by laws

**73.** Any description of action may be prosecuted and maintained between the company and any shareholder thereof; and no shareholder shall by reason of being a shareholder be incompetent as a witness therein. R.O. c. 30, s. 74.

Actions  
between  
shareholders  
and company

**74.** In any action or other legal proceeding it shall not be requisite to set forth the mode of incorporation of the company otherwise than by mention of it under its corporate name as incorporated by virtue of letters patent or by letters patent and supplementary letters patent as the case may be under this Ordinance; and the notice in the official gazette of the Territories of the issue of such letters patent or supplementary letters patent shall be *prima facie* proof of all things therein contained: and on production of the letters patent or supplementary letters patent or of any exemplification or copy thereof under the seal of the Territories the fact of such notice shall be presumed; and except in any proceeding for the purpose of rescinding or annulling the same the letters patent or supplementary letters patent or any exemplification or copy thereof under the seal of the Territories shall be conclusive proof of every matter and thing therein set forth. R.O. c. 30, s. 75.

Allegations  
in legal  
proceedings

Evidence of  
incorporation,  
etc.

## GENERAL PROVISIONS.

Agencies  
outside  
Territories

**75.** The company may have an agency or agencies in any city or town outside the Territories. R.O. c. 30, s. 76.

Dividends

**76.** No dividend shall be declared which will impair the capital of the company. R.O. c. 30, s. 77.

Special  
meeting at  
call of  
shareholders

**77.** Shareholders who hold one-fourth part in value of the subscribed stock of the company may at any time call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they make and issue to that effect. R.O. c. 30, s. 78.

Deeds by  
attorney of  
company

**78.** Every deed which any person lawfully empowered in that behalf by the company as its attorney signs on behalf of the company and seals with his seal shall be binding on the company and shall the same effect as if it was under the seal of the company. R.O. c. 30, s. 79.

Contracts,  
bills of  
exchange, etc.,  
for company  
by its officers

**79.** Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or indorsed and every promissory note and cheque made, drawn or indorsed on behalf of the company by any agent, officer or servant of the company in general accordance with his powers as such under the bylaws of the company shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque or to prove that the same was made, drawn, accepted or indorsed as the case may be in pursuance of any bylaw or special vote or order; and the person so acting as agent, officer or servant of the company shall not be thereby subjected individually to any liability whatsoever to any third person therefor:

Proviso

Provided always that nothing in this Ordinance shall be construed to authorise the company to issue any note payable to the bearer thereof or any promissory note intended to be circulated as money or as the note of a bank or to engage in the business of banking or insurance. R.O. c. 30, s. 80.

Proof by  
affidavit, etc.

**80.** Proof of any matter which is necessary to be made under this Ordinance may be made by oath or affirmation or by solemn declaration before any justice of the peace or any commissioner for taking affidavits to be used in any of the courts within the Territories or in any of the Provinces of Canada or any officer authorised to administer oaths or affidavits to be used in the Supreme Court of the Territories. R.O. c. 30, s. 81; No. 38 of 1897, s. 34 (13).

Use of  
corporate  
name of  
company  
"limited" to  
be appended

**81.** The company shall keep painted or affixed its name, with the word "limited" after the name, on the outside of every office or place in which the business of the company is carried on in a conspicuous position in letters easily legible and shall have its name with the said word after it engraved on its seal



and shall have its name with the said word after it mentioned in legible characters in all notices, advertisements and other official publications of the company and in all bills of exchange, promissory notes, indorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such company and in all bills of parcels, invoices and receipts of the company.

(2) Every company which does not keep painted or affixed Penalties its name with the word "limited" after it in manner directed by this Ordinance shall incur a penalty of \$20 for every day during which the same is not so kept painted or affixed.

(3) Every director and manager of the company who knowingly and wilfully authorises or permits such default shall be liable to the like penalty.

(4) Every director, manager or officer of the company and every person on its behalf who uses or authorises the use of any seal purporting to be a seal of the company whereon its name with the word "limited" after it is not so engraven as aforesaid or who issues or authorises the issue of any notice, advertisement or other official publication of such company or who signs or authorises to be signed on behalf of such company any bill of exchange, promissory note, indorsement, cheque, order for money or goods or who issues or authorizes to be issued any bill of parcels, invoice or receipt of the company wherein its name with the said word after it is not mentioned in manner aforesaid shall incur a penalty of \$200 and shall also be personally liable to the holder of any such bill of exchange, promissory note, cheque or order for money or goods for the amount thereof, unless the same is duly paid by the company. R.O. c. 30, s. 83.

**82.** Every prospectus of the company and every notice inviting persons to subscribe for shares in the company shall specify the dates and the names of the persons to any contract entered into by the company or the promoters, directors or trustees thereof before the issue of such prospectus or notice whether subject to adoption by the directors of the company or otherwise and every prospectus or notice which does not specify the same shall with respect to any person who takes shares in the company on the faith of such prospectus or notice and who has not had notice of such contract, be deemed fraudulent on the part of the promoters, directors and officers of the company who knowingly issue such prospectus or notice. Prospectuses and notices Contents Fraudulent prospectuses R.O. c. 30, s. 84.

**83.** The company shall not be bound to see to the execution of any trust whether express, implied or constructive in respect to any share; and the receipt of the shareholder in whose name the same stands in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share and whether or not notice of such trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. Company not bound by trusts affecting shares R.O. c. 30, s. 85.

Indemnity  
to directors

**84.** Every director of the company and his heirs, executors and administrators, and estate and effects, respectively, may with the consent of the company given at any general meeting thereof from time to time and at all times be indemnified and saved harmless out of the funds of the company from and against all costs, charges and expenses whatsoever which he or they sustain or incur in or about any action, suit or proceeding which is brought, commenced or prosecuted against him or them for or in respect of any act, deed, matter or thing whatsoever made done or permitted by him or them in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses which he or they sustain or incur in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his or their own wilful neglect or default. R.O. c. 30, s. 86.

Forfeiture of  
charter by  
non-user

**85.** The charter of the company shall be forfeited by non-user during three consecutive years or if the company does not go into actual operation within three years after it is granted. R.O. c. 30, s. 87; No. 38 of 1897, s. 34 (14).

Directors' statements to  
shareholders

**86.** The directors of every company shall lay before its shareholders a full printed statement of the affairs and financial position of the company at or before each general meeting of the company for the election of directors. R.O. c. 30, s. 88.

Fees to be  
paid before  
patent issued

**87.** No steps shall be taken by the Lieutenant Governor towards the issue of any letters patent or supplementary letters patent under this Ordinance until after all fees therefor are duly paid. R.O. c. 30, s. 89.

#### SPECIAL CLAUSES FOR WATER, GAS, ELECTRIC AND TELEPHONE COMPANIES.

Provisions  
regarding gas,  
water, etc.,  
companies

**88.** In addition to the general provisions of this Ordinance the provisions contained in the nineteen sections next following shall apply to gas and water companies and companies for supplying electricity for purposes of light, heat or power or of operating a system of telephones and to them only and such companies are hereinafter referred to respectively as gas, water, electric and telephone companies. R.O. c. 30, s. 90; No. 17 of 1891-92, s. 1.

Erection  
of works

**89.** Gas, water, electric, or telephone companies incorporated under this Ordinance shall respectively have full power to construct, maintain, complete and operate works and apparatus for the production, sale and distribution of gas, water, or electricity for the purpose of light, heat or power or of operating a system of telephones as the case may be and may construct and operate the same by any means through, under, along or over streets, highways, and public places; but subject always to such agreement in respect thereof as shall be made between the company and the municipal corporation within whose jurisdiction the same are situate and be ratified by a

Municipal  
contract

bylaw of the council of such municipality ; and such municipality may by agreement ratified as aforesaid contract with any such company for the purchase of water, gas or electricity and for the purchase or renting of any apparatus connected with the production, sale or distribution thereof for any number of years not in the first instance exceeding ten years and renew any such contract from time to time for such period not exceeding ten years as such council may desire ; and any such municipality may by bylaw if it shall see fit so to do grant to any such company but only within the limits of time above mentioned exemption from taxation and the exclusive privilege of supplying water, gas or electricity for any of the purposes aforesaid within the limits of the municipal corporation. No. 17 of 1891-92, s. 2.

Exemption  
from taxation

Exclusive  
privileges

**90.** Every company may sell and dispose of gas meters and gas, water and electricity fittings of every description for the use of private and public houses or for any establishment, company or corporation whatsoever as well as coke, coal, tar, and all and every the products of their works, refuse or residuum arising or to be obtained from the materials used or necessary for the manufacture of gas or electricity ; and every company may let out to hire gas meters and gas, water and electricity fittings of every kind and description at such rate and rents as may be agreed upon between the consumers and tenants and such company. R.O. c. 30, s. 93 ; No. 17 of 1891-92, s. 4.

Powers of  
companies

**91.** Any such company may break up, dig and trench and use so much and so many of the streets, squares, highways, lanes and public places of the municipality for supplying which with gas, water or electricity or either of them the company has been incorporated as are necessary for laying the mains and pipes to conduct the gas or water or for placing the wires and connections to conduct the electricity from the works of the company to the consumers or users thereof doing no unnecessary damage in the premises and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes and public places while the works are in progress. R.O. c. 30, s. 94 ; No. 17 of 1891-92, s. 4.

Laying mains  
and wires on  
streets

**92.** When any such company has laid down mains, pipes, wires or conductors for the supply of gas, water or electricity through any of the streets, squares, or public places of any municipality no other person or persons, bodies politic or corporate shall without the consent of such company first had and obtained nor otherwise than on payment to such company of such compensation as may be agreed upon lay down any pipe, wire or conductor for the supply of gas, water or electricity within six feet of such company's main pipes, wires or conductors or if it be impracticable to cut drains for such other main pipes, wires or conductors at a greater distance then as nearly six feet as the circumstances of the case will admit. R.O. c. 30, s. 95 ; No. 17 of 1891-92, s. 4.

Company's  
rights  
regarding  
mains and  
pipes

Supplying  
parts of  
buildings  
having  
different  
owners or  
tenants

**93.** When there are buildings within the municipality the different parts whereof belong to different proprietors or are in possession of different tenants or lessees the company may carry pipes, wires or conductors to any part of any building so situate passing over the property of one or more proprietors or in the possession of one or more tenants to convey the gas, water or electricity to the property of another or in the possession of another and such pipes, wires or conductors shall be carried up and attached to the outside of the building. R.O. c. 30, s. 96; No. 17 of 1891-92, s. 4.

Breaking up  
passages, etc.

**94.** The company may also break up and uplift all passages common to neighbouring proprietors or tenants and dig or cut trenches therein for the purpose of laying down pipes, wires or conductors or taking up or repairing the same doing as little damage as may be in the execution of the powers granted by this Ordinance. R.O. c. 30, s. 97; No. 17 of 1891-92, s. 4.

Compensation

**95.** Every company shall make satisfaction to the owners or proprietors of buildings or other property or to the public for all damages by them sustained in or by the execution of all or any of the said powers subject to which provisions this Ordinance shall be sufficient to indemnify every such company and their servants, and those by them employed, for what they or any of them do in pursuance of the powers hereby granted.

Procedure

(2) Every person claiming compensation from the company under this section shall proceed by originating summons in the judicial district in which the damages are alleged to have been committed. R.O. c. 30, s. 98; No. 17 of 1891-92, s. 5.

Location of  
works

**96.** Every such company shall construct and locate their gas works, water works or electric or telephone system and all apparatus and appurtenances thereto belonging or appertaining or therewith connected and wheresoever situated so as not to endanger the public health or safety. R.O. c. 30, s. 99; No. 17 of 1891-92, s. 4.

Limitation of  
powers of  
company

**97.** Nothing contained in this Ordinance shall authorise any such company or any person acting under the authority of the same to take, use or injure for the purposes of the company any house or other building or any land used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house, or nursery ground for trees, or to convey from the premises of any person any water already appropriated and necessary for his domestic uses without the consent in writing of the owner or owners thereof first had and obtained. R.O. c. 30, s. 100.

Privileges  
of other  
companies

**98.** Nothing in this Ordinance shall authorise any company established under it to interfere with or infringe upon any exclusive privilege granted to any other company. R.O. c. 30, s. 101.

Individual  
rights

**99.** Nothing in this Ordinance contained shall prevent any

person from constructing any works for the supply of gas or water to his own premises. R.O. c. 30, s. 102.

**100.** Neither the service nor the connecting pipes, wires or conductors of the company, nor any meters, lustres, lamps, pipes, gas fittings, electricity fittings, or any other property of any kind whatsoever of the company shall be subject to or liable for rent nor liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be nor be in any way whatsoever liable to any person for the debt of any person to and for whose use or the use of whose house or building the same may be supplied by the company notwithstanding the actual or apparent possession thereof by such person. R.O. c. 30, s. 103; No. 17 of 1891-92, s. 4. Exemption from distress and seizure

#### PROHIBITIONS AND PENALTIES.

**101.** If any person supplied by the company with gas, water or electricity neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof the company or anyone acting under its authority on giving forty-eight hours' previous notice to the person supplied may stop the supply of gas, water or electricity from entering or being supplied to the premises of the person in arrear as aforesaid by cutting off the service pipe or pipes, wires or conductors or by such other means as the company or its officers see fit and may recover the rent or charge due up to such time together with the expense of cutting off the gas, water or electricity as the case may be, in any competent court notwithstanding any contract to furnish for a longer time. R.O. c. 30, s. 104; No. 17 of 1891-92, s. 4. Nonpayment of rates, etc.

**102.** In all cases where the company may lawfully cut off and take away the supply of gas, water or electricity from any house, building or premises the company, their agents or their workmen upon giving forty-eight hours' previous notice to the person in charge or the occupier may enter into the house, building or premises between the hours of nine o'clock in the forenoon and five o'clock in the afternoon making as little disturbance and inconvenience as possible and may remove and take away any pipe, meter, cock, branch, lamp, fitting or apparatus the property of and belonging to the company and any servant duly authorised by the company may between the hours aforesaid enter any house into which gas, water or electricity have been taken or supplied for the purpose of repairing and making good any such house, building or premises or for the purpose of examining any meter, pipe, apparatus or fitting belonging to the company or used for their gas, water or electricity and if any person refuses to permit or does not permit the servants and officers of the company to enter and perform the acts aforesaid the person so refusing or obstructing shall incur a penalty to the company, for every such offence, of \$20 and a further penalty of \$4 for every day during which such refusal or obstruction continues, to be recovered Entry of premises by employees of company

with costs as hereinafter provided. R.O. c. 30, s. 105; No. 17 of 1891-92, s. 4.

Removal of  
fittings, etc.,  
where service  
discontinued

**103.** Where any customer discontinues the use of the gas, or other means of lighting, or heating or water or electricity furnished or supplied by a company incorporated under this Ordinance or the company lawfully refuses to continue any longer to supply the same, the officers and servants of the company may at all reasonable times enter the premises in or upon which such customer was supplied with gas, or other means of lighting or heating, or water or electricity for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes, wires, conductors or other things, being the property of the company, in or upon such premises and may remove the same therefrom doing no unnecessary damage. R.O. c. 30, s. 106; No. 17 of 1891-92, s. 4.

#### ARBITRATIONS.

Expropriation

**104.** If it is found necessary or deemed proper to conduct any of the pipes, wires or conductors or to carry any of the works of the company through the lands of any person lying within or within ten miles of the municipality for supplying which the company is incorporated and the consent of such person cannot be obtained for that purpose the company may take or use the land required and nominate and appoint a disinterested person and the owner or owners of the land taken or damaged may nominate and appoint another, which two persons so appointed shall nominate and appoint a third person and the said three persons shall act as arbitrators in the matter between the company and the owner or owners of the property.

Appointment  
of arbitrators

(2) Nothing in this section shall authorise the company to take or use any house, land or property in contravention of section 97 of this Ordinance. R.O. c. 30, s. 108; No. 17 of 1891-92, s. 4; No. 38 of 1897, s. 34 (15, 16).

Powers and  
duties of  
arbitrators

**105.** The said arbitrators shall examine all witnesses and administer all necessary oaths or declarations to them and the said arbitrators or a majority of them shall award, determine and adjudge what sum or sums of moneys respectively shall be paid to the owner or owners of the property so taken or damaged by the company, R.O. c. 30, s. 109.

Payment  
of award

**106.** The sum or sums of money so awarded shall be paid within three months after the date of the award and in default of such payment the owner or owners may resume the possession of his property with all the rights appertaining thereto but the company shall be held liable to such owner for any damage it may have done to the property. R.O. c. 30, s. 110; No. 38 of 1897, s. 34 (17).

Failure to  
appoint  
arbitrator

**107.** In the event of the company or the owner of such property failing to appoint an arbitrator after eight days' notice

from one of the said parties to the other or of the said two arbitrators failing to appoint a third, the judge of the Supreme Court usually exercising jurisdiction in the judicial district within which the said property lies may appoint a third arbitrator and the decision of the said three arbitrators or a majority of them shall be binding on all parties concerned. R.O. c. 30, s. 111.

#### ENFORCEMENT OF PENALTIES.

**108.** Unless otherwise herein provided proceedings for fines, <sup>Proceedings for penalties</sup> penalties and forfeitures imposed by this Ordinance may be taken by the company or by any person whose property is injured, to and for the use of the company or such person, either in the manner hereinbefore directed or before a justice of the peace in a summary way. R.O. c. 30, s. 107.

#### FEEES FOR LETTERS PATENT.

**109.** In addition to the cost of all necessary advertising in the official gazette of the Territories the following fees shall be paid on application for letters patent of incorporation and supplementary letters patent under this Ordinance: <sup>Fees on issue of letters patent</sup>

1. When the capital stock of the company is \$400,000 and upwards the fee to be \$200;
2. When the capital stock of the company is \$200,000 and upwards and under \$400,000 the fee to be \$150;
3. When the capital stock of the company is \$100,000 and upwards and under \$200,000 the fee to be \$100;
4. When the capital stock of the company is \$50,000 and upwards and under \$100,000 the fee to be \$50;
5. When the capital stock of the company is \$40,000 and upwards and under \$50,000 the fee to be \$40;
6. When the capital stock of the company is over \$10,000 and under \$40,000 the fee to be \$30;
7. And when the capital stock of the company is \$10,000 or under the fee to be \$20;
8. On application for supplementary letters patent the fees to be one half of that charged on the original letters patent. R.O. c. 30, s. 113; No. 38 of 1897, s. 34(19).

#### SCHEDULE

##### FORM A.

(Section 15).

Public notice is hereby given that under *The Companies' Ordinance* letters patent have been issued under the seal of the North-West Territories bearing date the \_\_\_\_\_ day of \_\_\_\_\_

incorporating (*here state name, address and calling of each corporator named in the letters patent*), for the purpose of (*here state the undertaking of the company as set forth in the letters patent*) by the name of (*here state the name of the company as in the letters patent*) with a capital stock of \_\_\_\_\_ dollars divided into \_\_\_\_\_ shares of \_\_\_\_\_ dollars.

Dated at Regina this \_\_\_\_\_ day of \_\_\_\_\_ 1  
A. B.,  
Territorial secretary.

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FORM B.

(Section 20.)

Public notice is hereby given that under *The Companies' Ordinance* supplementary letters patent have been issued under the seal of the North-West Territories bearing date the \_\_\_\_\_ day of \_\_\_\_\_, whereby the undertaking of the (*here insert name of the company*) has been extended to include (*here set out the other purpose or objects mentioned in the supplementary letters patent*).

Dated at Regina this \_\_\_\_\_ day of \_\_\_\_\_ 1  
A. B.,  
Territorial Secretary.

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FORM C.

(Section 27.)

Public notice is hereby given that under *The Companies' Ordinance* supplementary letters patent have been issued under the seal of the North-West Territories bearing date the \_\_\_\_\_ day of \_\_\_\_\_, whereby the total capital stock of (*here state the name of the company*) is increased (*or reduced as the case may be*) from \_\_\_\_\_ dollars to \_\_\_\_\_ dollars.

Dated at Regina this \_\_\_\_\_ day of \_\_\_\_\_ 1  
A. B.,  
Territorial secretary.



## CHAPTER 62.

### An Ordinance to Authorise the Changing of the Names of Incorporated Companies.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. When any incorporated company within the legislative authority of the Legislative Assembly of the Territories whether incorporated under a special or a general Ordinance is desirous of changing its name the Lieutenant Governor in Council upon being satisfied that the company is in a solvent condition, that the change desired is not for any improper purpose and is not otherwise objectionable and that the notice hereafter provided for has been duly given may by Order in Council change the name of the company to some other name set forth in the said Order. No. 31 of 1897, s. 1.

Lieut. Gov. in Council may change name of company

2. The company shall give by notice published in two consecutive issues of *The North-West Territories Gazette* and in two insertions of some other newspaper published in or near the locality in which the operations of the company are carried on during the time within which such notice is appearing in the said gazette, notice of the intention to apply for the change name and shall state the name proposed to be adopted. No. 31 of 1897, s. 2.

Publication of notice of application to change name

3. In case the proposed new name is considered objectionable the Lieutenant Governor in Council may if he thinks fit change the name of the company to some other unobjectionable name without requiring any further notice to be given. No. 31 of 1897, s. 3.

Lieut. Gov. in Council may change proposed name

4. Such change shall be conclusively established by the insertion in *The North-West Territories Gazette* of a notice thereof by the Territorial secretary for which a fee of \$5 shall be payable to the Queen's Printer. No. 31 of 1897, s. 4.

Notice in gazette proof of change of name

5. No contract or engagement entered into by or with the company and no liability incurred by it shall be affected by the change of name ; and all suits commenced by or against the company prior to the change of name may be proceeded with against or by the company under its former name. No. 31 of 1897, s. 5.

No contract, etc., affected by change

## CHAPTER 63.

### An Ordinance respecting Foreign Corporations.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Foreign Companies Ordinance.*" No. 32 of 1897, s. 1.

#### FOREIGN COMPANIES, LICENSES, STATEMENTS, ETC.

Corporations to obtain license before doing business      **2.** Any company, institution or corporation incorporated otherwise than by or under the authority of an Ordinance of the Territories or an Act of the Parliament of Canada desiring to carry on any of its business within the Territories may (through the Territorial secretary) petition the Lieutenant Governor in Council for a license so to do and the Lieutenant Governor in Council may thereupon authorise such company, institution or corporation to use, exercise or enjoy any powers, privileges and rights set forth in the said license.

Certain documents to be filed with Territorial secretary      (2) No such license shall be issued until such company, institution or corporation has deposited in the office of the Territorial secretary a true copy of the Act, charter or other instrument incorporating the company, institution or corporation verified in the manner which may be satisfactory to the Lieutenant Governor in Council together with a duly executed power of attorney empowering some person therein named and residing in the Territories to act as its attorney and to sue and be sued, plead or be impleaded in any court and generally on behalf of such company, institution or corporation and within the said Territories to accept service of process and to receive all notices and for the purposes aforesaid to do all acts and to execute all deeds and other instruments relating to the matters within the scope of the power of attorney ; and such company, institution or corporation may from time to time by a new or other power of attorney executed and deposited as aforesaid appoint another attorney within the Territories for the purposes aforesaid to replace the attorney formerly appointed ; and notice of the granting of such license shall be given forthwith by the Territorial secretary in the official gazette.

Power of attorney

Evidence of license      (3) The license or any exemplification thereof under the seal of the Territories shall be sufficient evidence in any proceeding in any court of the Territories of the due licensing of the company, institution or corporation as aforesaid.

Annual statement to be furnished      (4) A company, institution or corporation licensed under this section shall on or before the thirty-first day of January in every year during the continuance of such license make a

statement to the Territorial secretary verified by affidavit containing, as of the thirty-first day of December preceding, a summary of the following particulars :

- (a) The corporate name of the company, institution or corporation ;
- (b) The manner in which the company, institution or corporation is incorporated ;
- (c) The place where the head office of the company, institution or corporation is situated ;
- (d) The place or places where or from which the undertaking of the company, institution or corporation is carried on ;
- (e) The name, residence and post office address of the president, the secretary and the treasurer of the company, institution or corporation ;
- (f) The name, residence and post office address of each of the directors of the company, institution or corporation ;
- (g) The date upon which the last annual meeting of the company, institution or corporation was held ;
- (h) The amount of the capital of the company, institution or corporation and the number of shares into which it is divided ;
- (i) The number of shares subscribed for and allotted ;
- (j) The amount of stock (if any) issued free from call ; if none is so issued the fact to be stated ;
- (k) The amount issued subject to call ;
- (l) The number of calls made on each share ;
- (m) The total amount of calls received ;
- (n) The total amount of calls unpaid ;
- (o) The total amount of shares forfeited ;
- (p) The total amount of shares which have never been allotted or subscribed for ;
- (q) The total amount for which shareholders of the company, institution or corporation are liable in respect of the unpaid stock held by them ;
- (r) In a concise form any further information respecting the affairs of the company, institution or corporation as the directors may consider expedient ;

(5) The summary in the next preceding subsection mentioned shall be verified by the affidavit of the president and secretary and if there is no president or he is unable to make the same by the affidavit of the secretary and one of the directors and if there is no secretary or he is unable to make such affidavit by the affidavit of the president and one of the directors and if there is neither a president or secretary or they are both unable to make such affidavit, by the affidavit of two

Summary to  
be verified

of the directors and if the president or secretary does not make or join in the affidavit the reason therefor shall be stated in the substituted affidavit.

Penalty for  
default

(6) Any company, institution or corporation making default in complying with the provisions of this section shall be liable to a penalty of \$20 for each and every day during which default continues ; and every director, manager, secretary, agent, traveller or salesman of such company, institution or corporation who transacts within the Territories any business whatever for such company, institution or corporation shall, for each day upon which he so transacts such business, on summary conviction thereof before a justice of the peace incur a penalty of \$20.

Lieutenant  
Governor in  
Council may  
suspend or  
revoke license

(7) The Lieutenant Governor in Council may by Order (a notice of which shall be published by the Territorial secretary in the official gazette or otherwise as may be prescribed in the said Order) suspend or revoke and make null and void any license granted under this section to any company, institution or corporation which refuses or fails to comply with any of the provisions of this section and (notwithstanding such suspension or revocation) the rights of creditors of the company, institution or corporation shall remain as at the time of such suspension or revocation. No. 32 of 1897, s. 3 ; No. 40 of 1898, s. 8.

Amount of  
paid up  
capital to  
appear on  
all documents

**3.** Every company, institution or corporation licensed under this Ordinance shall have written or printed on its prospectuses, notices, advertisements and other official publications and in all bills of parcels, invoices and receipts of the company, institution or corporation immediately after or under the name of such company, institution or corporation the amount of its paid up capital and every such company, institution or corporation which refuses or neglects to comply with this section shall be liable to a penalty not exceeding \$20 for each such offence ; and every director, manager or agent of any company, institution or corporation who knowingly authorises or permits such default shall on summary conviction thereof be liable to the like penalty. No. 32 of 1897, s. 4 ; No. 40 of 1898, s. 8.

## CHAPTER 64.

### An Ordinance respecting Mining Companies.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Any company incorporated by letters patent under *The Companies' Ordinance* for mining purposes may from time to time dispose of shares and stock at such times to such persons and on such terms and conditions and at such premium or discount or in such manner as the directors think advantageous to the company; provided however that no bylaw for the reduction or sale of stock at any greater discount or at any less premium than what has been previously authorised at the general meeting of the shareholders shall be valid or acted upon until the same has been confirmed at a general meeting. No. 33 of 1897, s. 1.

2. Where application is hereafter made to the Lieutenant Governor in Council for the incorporation by letters patent under said Ordinance of any company for mining purposes, such letters patent may if the petition of the applicants so requires contain a provision that no liability beyond the amount actually paid upon stock in such company by the subscribers thereto or the holders thereof shall attach to such subscriber or holder. No. 33 of 1897, s. 2.

3. Where letters patent incorporating any such company have been issued containing the provision mentioned in section 2 of this Ordinance every certificate of stock issued by the company shall bear upon the face thereof distinctly written or printed in red ink after the name of the company the words "Issued under section 2 of *An Ordinance respecting Mining Companies* and non-assessable." Where such stock is issued subject to further assessments the word "assessable" or if not subject to further assessments the word "non-assessable" shall be used on such certificate as the case may be. No. 33 of 1897, s. 3.

4. Every mining company the charter of which contains the said provision shall have written or printed on its charter, prospectuses, stock certificates, bonds, contracts, agreements, notices, advertisements and other official publications and in all bills of exchange, promissory notes, indorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company and in all bills of parcels, invoices and receipts of the company immediately after or under the name of such company and shall have engraved upon its seal the words "non personal liability;" and every such company which refuses or neglects to comply with this section shall on

summary conviction thereof incur a penalty of \$20 for each day during which such words are not so kept written or printed; and every director and manager of the company who knowingly and wilfully authorises or permits such default shall on summary conviction thereof be liable to the like penalty. No. 33 of 1897, s. 4.

Sale of stock  
on  
nonpayment  
of calls

**5.** In the event of any call or calls on stock in a company so incorporated remaining unpaid by the subscriber thereto or holder thereof for a period of sixty days after notice and demand of payment such stock may be declared to be in default and the secretary of the company may advertise such stock for sale at public auction to the highest bidder for cash by giving notice of such sale in some newspaper published at the place where the principal office of the company is situated or in case no newspaper is published thereat then in a newspaper published in the nearest place to said office for a period of one month; and said notice shall contain the number of the certificate or certificates of such stock and the number of shares, the amount of the assessment due and unpaid and the time and place of sale; and in addition to the publication of the notice aforesaid notice shall be personally served upon such stockholder by registered letter mailed to his last known address; and if the subscriber or holder of such stock shall fail to pay the amount due on such stock with interest upon the same and cost of advertising before the time fixed for such sale the secretary shall proceed to sell the same or such portion thereof as shall suffice to pay such assessment together with interest and cost of advertising:

Provided that if the price of the stock so sold exceed the amount due with interest and costs thereon, the excess thereof shall be paid to the defaulting stockholder. No. 33 of 1897, s. 5.

Extent of  
liability of  
shareholders

**6.** No shareholder or subscriber for stock in any company so incorporated shall be personally liable for non payment of any calls made upon his stock beyond the forfeiture and sale, in the event of non payment of such calls of the amount if any already paid on the stock held or subscribed for nor shall such shareholder or subscriber be personally liable for any debt contracted by the company or for any sum payable by the company beyond the amount if any paid by him upon such stock. No. 33 of 1897, s. 6.

Application  
of other  
Ordinances

**7.** Section 8 of *The Companies Ordinance* as well as all other parts of such Ordinance and of other Ordinances as are not inconsistent with this Ordinance shall apply to mining companies. No. 33 of 1897, ss. 7, 8.

## CHAPTER 65.

### An Ordinance respecting the Manufacture of Butter and Cheese.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Dairymen's Ordinance.*" No. 38 of 1897, s. 35 (1).

#### PART I.

##### ASSOCIATIONS FOR MANUFACTURE OF BUTTER AND CHEESE.

2. Any five or more persons who desire to associate themselves together for the purpose of manufacturing butter or cheese or providing cold storage for the safe keeping therein of any farm product may make, sign and acknowledge before any person empowered to administer oaths or affidavits to be used in the Supreme Court of the Territories and file in the office of the Territorial secretary a declaration in writing in form A in the schedule hereto or to the same effect and such declaration shall state the name of one of the persons signing the same as having been appointed provisional secretary of the association. No. 13 of 1889, s. 1 ; No. 38 of 1897, s. 35 (2).

3. No association under this part shall be incorporated under a name identical with that by which any other existing association has been registered or so nearly resembling such name as to be likely to deceive the public. No. 13 of 1889, s. 8.

4. Any declaration so to be filed shall designate any one or more places in the Territories where business is to be carried on. No. 13 of 1889, s. 9.

5. Upon the filing of the declaration the members of the association shall become a body corporate by the name therein described with power to purchase, hold, pledge or mortgage such lands as are required for the convenient management of their business, with full power to do all necessary acts and enter into all necessary contracts for the purpose of managing and conducting their said business but no such declaration shall be filed unless shares to the extent of \$1,000 have been subscribed by the persons signing such declaration and evidence of such subscription shall be filed with such declaration by statutory declaration of the provisional secretary in form B in the schedule hereto showing what amounts have been taken by the subscribers respectively and what amounts have been paid

on account of their respective subscriptions and whether in cash or otherwise. No. 13 of 1889, s. 2; No. 6 of 1890, s. 1.

Certificate  
of filing  
declaration

6. The Territorial secretary shall indorse on a copy of the said declaration if sent or delivered to him for that purpose a certificate of the original having been filed in his office with the date of filing and every such declaration with such certificate signed by the Territorial secretary shall be *prima facie* evidence of the facts stated therein and of the incorporation of the association. No. 13 of 1889, s. 3; No. 38 of 1897, s. 35 (3).

Rules of  
association

7. Within one month after the filing of such declaration as aforesaid a meeting of the members of the association shall be called by notice to be mailed or delivered to each member by the provisional secretary at least ten days before the day of meeting and at such meeting or at any adjournment thereof the members of the association shall agree upon and frame a set of rules for the regulation and management of the association which may declare and provide among other things:

1. The amount of the whole capital stock of the company if it is to be limited and the amount of each share;

2. The highest number of shares which may be allotted to any one person;

3. The mode and terms of payment of shares and the manner of making calls thereon and the mode and conditions of the transfer of the shares;

4. The conditions on which new members may be admitted;

5. A mode of convening general and special meetings;

6. Provision for audit of accounts;

7. The appointment of directors and other officers and their respective duties and a provision for filling vacancies caused by death, resignation or other causes and a copy of all such rules signed by the secretary, shall forthwith be filed in the office of the Territorial secretary with a statutory declaration by the secretary that the same is a true copy of the rules adopted and such rules shall not take effect until filed as aforesaid, and they shall be framed and filed before the association shall carry on any operations. No. 13 of 1889, s. 4; No. 38 of 1897, s. 35 (4).

Amendment  
of rules

8. All rules made by any association formed under this part may be repealed, altered or amended or new rules may be made at a regular meeting called for that purpose:

Provided no new or amended rules shall have any force or effect until a copy verified by statutory declaration of the president or other head officer or of the secretary of the association to be a true copy of such new or amended rules passed by the association at a meeting specially called as aforesaid has been filed in the office of the Territorial secretary. No. 13 of 1889, s. 5; No. 6 of 1890, s. 2; No. 38 of 1897, s. 35 (5).

Books

9. The association shall cause a book to be kept by the secretary or by some other officer especially charged with that



duty wherein shall be kept a duplicate of the said declaration mentioned in section 2 hereof and of all rules filed as aforesaid in the office of the Territorial secretary and all members of the association shall sign the said declaration in the said book. No. 13 of 1889, s. 6 ; No. 38 of 1897, s. 35 (6).

**10.** Any person desiring to become a member of or a stock-<sup>Members</sup>holder in any such association after incorporation as aforesaid may subject to the provisions of the said rules sign the said declaration in the said book and shall thereupon become such member and shall be entitled to the rights and privileges thereof and shall become liable as such member as fully as though he had signed the declaration prior to the incorporation of the association. No. 13 of 1889, s. 7.

**11.** The rules of every association incorporated under this<sup>Rules to bind</sup> part of this Ordinance shall bind the association and members thereof. And all moneys payable by any member to the asso-<sup>Members'</sup>ciation in pursuance of the said rules shall be deemed to be a<sup>debts to</sup> debt due from such member to the association. No. 13 of 1889, s. 10.

**12.** The capital of the association shall be in shares of such<sup>Capital stock</sup> denomination as mentioned in the rules. No. 13 of 1889, s. 11.

**13.** All elections at meetings of shareholders shall be by<sup>Mode of</sup> ballot and each member shall have one vote for each share held<sup>election</sup> by him in respect of which he is not in default for any calls made thereon. No. 13 of 1889, s. 12.

**14.** Any dispute between members or between members and<sup>Disputes may</sup> any association established under this part, or any person<sup>be decided by</sup> claiming through or under a member or under the rules of such<sup>arbitration</sup> association, and the directors, treasurer or other officers thereof relating to matters coming within the business of the association may be decided by arbitration in manner directed by the rules of the association, and the decision so made shall be binding and conclusive on all parties without appeal. No. 13 of 1889, s. 13.

**15.** The liability of the shareholders shall be limited, that is<sup>Liability of</sup> to say, no shareholder in such association shall be in any man-<sup>shareholders</sup>ner liable for or charged with the payment of any debt or demand due by the association beyond the amount unpaid in respect of his share or shares subscribed for and any shareholder having fully paid up the amount of his said share or shares shall be absolved from all further liability. No. 13 of 1889, s. 14.

**16.** Every association formed under this part shall, not later<sup>Annual</sup> than the thirty-first day of January in each year, make a re-<sup>return</sup>turn to the Territorial secretary of its affairs during the year ending the thirty-first day of December preceding. No. 13 of 1889, s. 15 ; No. 38 of 1897, s. 35 (7).

Violation of  
contract to  
supply milk

**17.** Any person who wilfully violates a contract to supply milk to an association formed under this part may on summary conviction thereof before a justice of the peace be ordered to pay to such association by way of penalty a sum not exceeding \$25 together with costs of prosecution. No. 32 of 1892; No. 38 of 1897, s. 35 (8).

Mortgage on  
real estate

**18.** Any association formed under this part shall have power to execute a mortgage upon any real estate purchased or agreed to be purchased by it for the purpose of securing the payment of the whole or a portion of the purchase money of such real estate or for the purpose of raising money for the purposes of their business and to covenant for the repayment of the said mortgage money and interest or for the purpose of securing payment of any bonds issued or to be issued and generally to make such provisions binding on the association as are usually contained in mortgages. No. 6 of 1890, s. 16.

How executed

**19.** The said mortgage may be executed in accordance with any of the rules passed for the regulation and management of the association in that behalf and upon being so executed shall be a valid security of the said association. No. 6 of 1890, s. 17.

Borrowing  
powers

**20.** Any such association shall have power to borrow money for the purpose of its business and to issue bonds or debentures for the repayment of the same with interest and such bonds or debentures without registration shall be a binding security and charge upon all the real and personal estate of the association including called or uncalled capital and such bonds may be issued in accordance with the rules of the said association and shall be payable at such time or times as may be therein expressed and may be mortgaged, sold or hypothecated by the said association in accordance with any provisions in that behalf included in the said rules but such bonds shall not be issued until the same shall have been approved by the Lieutenant Governor in Council and a notice of the intended issue of the same in writing shall have been deposited in the office of the Territorial secretary. No. 6 of 1890, s. 18; No. 38 of 1897, s. 35 (9).

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## PART II.

### DAIRYMEN'S ASSOCIATION.

Continuation  
of "The  
Dairymen's  
Association"

**21.** The association formed under the provisions of Ordinance No 15 of 1891-1892 intituled: *An Ordinance to authorise the formation of an association under the name of "The Dairymen's Association of the North-West Territories,"* having for its object to encourage the improvement in the manufacture of butter and cheese and all things connected therewith, is hereby continued as a body politic and corporate and may possess real estate to the value of \$10,000. No. 15 of 1891-2, s. 4.

**22.** Such association shall be composed of at least twenty-five persons and every member thereof shall pay annually a sum not less than \$1 to the funds of the association and any person hereafter becoming a member shall sign a declaration in form C in the schedule hereto, which declaration shall be written and signed in the book kept by the association for the purpose of entering therein the minutes of their proceedings. No. 15 of 1891-2, ss. 1, 2, 3.

**23.** Such association shall have power and authority to make bylaws, to prescribe the mode or manner of admission of new members, to regulate the election of its officers and generally the administration of its affairs and property. No. 15 of 1891-2, s. 5; No. 38 of 1897, s. 36 (1).

**24.** The officers and directors of such association shall prepare and present at its annual meeting a detailed report of their operations during the past year indicating the names of all the members of the association, the amount subscribed and paid by each, the names of the factories, creameries, inventions, improvements and products which deserve public notice, and giving all the information which they deem useful to the interests of the dairy industry, and a copy of the said report shall be sent to the Territorial secretary. No. 15 of 1891-2, s. 7; No. 38 of 1897, s. 36 (2).

## SCHEDULE.

### FORM A.

North-West Territories. )  
To Wit: )

We do hereby certify that we desire to form a company or association, pursuant to the provisions of part 1 of *The Dairymen's Ordinance*.

The corporate name of the association is to be \_\_\_\_\_ and the objects for which the association is to be formed are \_\_\_\_\_

The capital stock of the association is to consist of shares of \_\_\_\_\_ dollars each, and the number of shares shall be \_\_\_\_\_ (or limited only as may be provided by the rules of the association). \_\_\_\_\_ has been appointed provisional secretary of the said association, and his post office address is \_\_\_\_\_

And the name of the place (or places) where the operations of the said association are to be carried on is (or are) \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1

(names of persons signing declaration.)

On the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1  
before me personally appeared \_\_\_\_\_

to me known to be the individuals described in the foregoing declaration and they severally before me signed the said declaration and acknowledged that they signed the same for the purposes therein mentioned.

*A.B.*

*Signature of officer before whom declaration made.*

### FORM B.

I, \_\_\_\_\_ the provisional secretary of the butter and cheese manufacturing association mentioned in the accompanying declaration signed before \_\_\_\_\_ Esquire, (*style of officer*), and dated the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1\_\_\_\_, do solemnly declare that the subscribers to such declaration have respectively subscribed to the said association the amount set opposite to their respective names in the second column of the statement hereinafter written and each subscriber has paid on account of his subscription the amount set opposite to his name in the third column of such statement and each such subscription has been paid in cash or otherwise as stated in the fourth column of such statement.

### STATEMENT REFERRED TO ABOVE.

| Column 1.<br>Name of Subscriber. | Column 2.<br>Amount<br>Subscribed. | Column 3.<br>Amount<br>Paid. | Column 4.<br>How Paid. |
|----------------------------------|------------------------------------|------------------------------|------------------------|
| <i>A. B.</i>                     | \$2 00                             | \$2 00                       | Cash.                  |
| <i>C. D.</i>                     | 2 00                               | 1 00                         | Cash.                  |
| <i>E. F.</i>                     | 1 00                               | 1 00                         | Lumber.                |
| <i>G. H.</i>                     | 1 00                               | 1 00                         | Hauling material.      |

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at  
in the North-West Territories,  
this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 1\_\_\_\_, \_\_\_\_\_  
*I. J.*, } *G. H.*  
Provisional Secretary.  
*Signature of officer before whom declaration made.*

FORM C.

We the undersigned agree to become members of "*The Dairymen's Association of the North-West Territories*" and we hereby severally agree to pay to the treasurer yearly while we continue members of the association the sums set opposite to our respective names hereunder. We further agree to conform to the rules and bylaws of the said association.

| Name. | Sec., Tp., Rg. | P.O. Address. | Am't Subscribed |
|-------|----------------|---------------|-----------------|
|       |                |               |                 |

## CHAPTER 66.

### An Ordinance respecting Benevolent and other Societies.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Power to form societies for certain purposes

1. Any five or more persons of full age may become incorporated under this Ordinance for any benevolent or provident purpose or for any other purpose not illegal save and except for the purpose of trade or business or any purpose provided for by any of the Ordinances mentioned in the schedule hereto. No. 19 of 1891-2, s. 1.

Mode of incorporation

2. The proceedings to obtain incorporation shall be as follows :

1. Such persons shall make and sign a declaration in writing setting forth the intended corporate name of the society the purpose of the society, the names of those who are to be the first trustees or managing officers, the mode in which their successors are to be appointed and such other particulars and provisions as the society may think fit provided that the said particulars and provisions are not contrary to law ;

2. The declaration may be made and signed in duplicate or in as many parts as may be required ;

3. The said declaration may be produced to any judge of the Supreme Court of the North-West Territories and if the same appears to him to be in conformity with this Ordinance he shall indorse thereon a certificate to that effect ;

4. One of the original parts of the said declaration shall be filed in the office of the registrar of the said Supreme Court at Regina and the fee of fifty cents shall accompany such filing ;

5. When these directions shall have been complied with the persons who signed the declaration shall thereby become and they, their associates and successors, shall thenceforward be a body corporate and politic and shall have the powers, rights and immunities vested by law in such bodies. No. 19 of 1891-2, s. 2.

Societies may establish branches

3. The society so incorporated may from time to time have or establish and maintain any number of branches thereof to promote the objects of the society. No. 19 of 1891-2, s. 3.

Officers

4. The society may from time to time appoint trustees, a treasurer, a secretary and other officers for conducting its affairs and for the discipline and management of the society ;

and may from time to time make bylaws, rules and regulations <sup>By laws and rules</sup> for the government and for conducting the affairs of the society or of any branches thereof; and may from time to time alter or rescind such bylaws, rules or regulations. No. 19 of 1891-2, s. 4.

**5.** Any two or more societies or branches of a society may unite and form one society or branch for the purpose of erecting buildings for the use of the societies or branches and, if they so desire, for other purposes, on such terms as may be agreed upon by authority of a resolution assented to by a majority of the members of each of the said societies or branches proposed to be united: <sup>Different societies or branches may unite</sup>

Provided that every such resolution is passed at a general meeting of each of the societies or branches concerned in such union, to be specially called for that purpose. No. 19 of 1891-2, s. 5.

**6.** A person under the age of twenty-one years, elected or admitted as a member of a society, or appointed to any office therein, shall be liable to the payment of fees and otherwise under the rules of the society as if he were of full age. <sup>Liability of persons under age</sup> No. 19 of 1891-2, s. 6.

**7.** When under the rules of the society money of the society becomes payable to or for the use or benefit of a member thereof such money shall be free from all claims by the creditors of such member; and when on the death of a member of a society any sum of money becomes payable under the rules of the society, the same shall be paid by the treasurer or other officer of the society to the person or persons entitled under the rules thereof or shall be applied by the society as may be provided by such rules; and such money shall be, to the extent of \$2,000, free from all claims by the personal representative or creditors of the deceased; and in case any sum is paid in good faith to the person who appears to the treasurer or other officer to be entitled to receive the same, or is applied in good faith for the purposes by the rules provided, no action shall be brought against the society or such treasurer or officer in respect thereof; but nevertheless if it subsequently appears that such money has been paid to the wrong person the person entitled thereto may recover the amount with interest from the person who has wrongfully received it. <sup>Benefits to members</sup> <sup>Exemption from claims of creditors</sup> <sup>Payment in good faith to wrong person</sup> No. 19 of 1891-2, s. 7.

**8.** No society or branch incorporated under this Ordinance shall be entitled to acquire or hold as purchasers or otherwise any lands or tenements or any interests therein exceeding in the whole at any one time the annual value of \$5,000 nor shall the society or branch be entitled to purchase land except for the actual use and occupation of the society for the purposes of the society. <sup>Powers of societies as to holding lands</sup> No. 19 of 1891-2, s. 8.

**9.** Any such society or branch may from time to time take by gift, devise or bequest, any lands or tenements or any in- <sup>Powers as to taking and</sup>

retaining  
lands by gift,  
devise or  
bequest

terests therein, provided such gift, devise or bequest is made at least six months before the death of the person making the same ; but the society or branch shall at no time take by gift, devise or bequest, lands or tenements, or any interests therein, the annual value of which, together with that of all other lands and tenements theretofore acquired by like means and then held by the society or branch, exceeds in the whole \$1,000; nor shall the society or branch at any time take by gift, devise or bequest, lands, tenements or hereditaments the annual value of which, together with all the other real estate of the society or branch, exceeds \$5,000 ; and no lands or tenements acquired by gifts, devise or bequest within the limits aforesaid, but not required for the actual use or occupation of the society or branch, shall be held by the society or branch for a longer period than seven years after the acquisition thereof, and within such period the same shall be absolutely disposed of by the society or branch ; and the society or branch shall have power within such period, in the name of the society or branch, to grant and convey the said lands and tenements to any purchaser so that the society or branch no longer retains any interest therein ; and the proceeds on such disposition shall be invested in public securities, municipal debentures or other approved securities, not including mortgages on land, for the use of the society or branch ; and lands, tenements or interests therein required by this Ordinance to be sold or disposed of by the society or branch which have not, within the said period, been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns. No. 19 of 1891-2, s. 9.

Powers to sell,  
mortgage, etc.,  
lands

**10.** Any society may in pursuance of a resolution assented to by a majority of the members present at a general meeting specially called for that purpose, of which public notice shall be given in the manner provided by the bylaws, mortgage, sell, exchange or lease any lands of the society. No. 19 of 1891-2, s. 10.

Copy of  
declaration of  
incorporation  
to be evidence

**11.** A copy of the declaration under the second section of this Ordinance certified by the registrar of the said Supreme Court or his deputy to be a true copy shall be *prima facie* evidence of the facts alleged in the declaration and of the due making, signing and filing of the declaration as mentioned in the certificate ; and a copy of the declaration with a certificate of the said registrar or his deputy showing the particulars necessary for creating a corporation under this Ordinance, shall be *prima facie* evidence that the society or branch is an incorporated society or branch under this Ordinance. No. 19 of 1891-2, s. 11.

Defects in  
form

**12.** No defect of form in the certificate of the judge or in the proceedings to which the certificate of the judge relates shall affect the validity of the incorporation. No. 19 of 1891-2, s. 12.



**13.** To facilitate the proof of a society or branch being an incorporated society or branch under this Ordinance and to prevent any future question as to the same, the society or branch after the same has become incorporated as aforesaid, shall be entitled (if the society or branch thinks fit) to receive a certificate of such incorporation in manner hereinafter mentioned; and a certificate so obtained shall be final and conclusive evidence of the society or branch being an incorporation under this Ordinance unless the certificate on the order or decision of the Court granting or authorising the same is reversed or set aside by some direct proceeding taken for the purpose; and the proceedings for the purpose of obtaining the certificate may be as follows:

1. The application for the certificate may be made by the society or branch to a judge of the Supreme Court of the North-West Territories.

2. The application shall be supported by satisfactory evidence that the society or branch is a society or branch within the true intent and meaning of this Ordinance; that the proceedings necessary for incorporation have been duly taken; that four weeks' notice of the intention to apply for a certificate has been given to the Lieutenant Governor of the Territories; and that a like notice has been published for four weeks in *The North-West Territories Gazette*; and if the judge is not satisfied with the evidence offered of these particulars in the first instance he may instead of dismissing the application give an opportunity or opportunities for producing further evidence; and if there is any defect in the proceedings taken to obtain incorporation the judge may permit the same to be supplied and he may in all cases require from time to time any further publication to take place, and any other notice to be mailed, served or given which he deems necessary.

3. When the judge is satisfied that the society or branch is entitled to the certificate, the certificate may be issued by the clerk of the court of the judicial district in which the application is made, in duplicate (under his hand and the seal of the court) or in as many parts as may be required and the same shall name the day from and at which the incorporation was complete and effectual, and any person shall thereafter be entitled to receive a certificate to the same effect sealed and signed as aforesaid; which certificate or counterpart thereof shall be final and conclusive as hereinbefore mentioned.

4. The judges of the Supreme Court of the North-West Territories shall have power to regulate the practice and costs in such cases. No. 19 of 1891-2, s. 13.

**14.** It shall be the duty of the corporation when thereunto required by the Lieutenant Governor in Council or by the Legislative Assembly to furnish a statement of the real property and of the estates therein held by the society and to give such details thereof as the Lieutenant Governor in Council or the Legislative Assembly may from time to time require. No. 19 of 1891-2, s. 14.

Change of  
name, etc.,  
of society

**15.** When a society incorporated under the provisions of this Ordinance is desirous of changing its name or of changing any of the purposes contained in the original certificate or declaration of incorporation, a judge of the Supreme Court upon being satisfied that the change desired is not for an improper purpose and is not otherwise objectionable, may make an order reciting the certificate and declaration of incorporation and making the change desired.

Order to be  
filed

(2) Such order shall be filed in the office in which the certificate and declaration were filed and a copy of the order certified by the registrar of the Supreme Court at Regina or his deputy to be a true copy of the order filed in the said office shall be *prima facie* evidence of the change having been made as therein set forth.

Rights and  
obligations of  
society not  
affected

(3) No change under the next preceding two subsections shall affect the rights or obligations of the society and all actions or proceedings commenced by or against the society prior to the change of name may be proceeded with by or against the society under its former name. No. 19 of 1891-2, s. 15.

Forms

**16.** In case the Lieutenant Governor in Council adopts or approves of any forms for any of the proceedings under this Ordinance and the order adopting or approving of the same is, with the forms, printed in *The North-West Territories Gazette* such forms shall be as effectual for the purposes mentioned in this Ordinance or in the Order in Council as if the said forms had been inserted in this Ordinance. No. 19 of 1891-2, s. 16.

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## SCHEDULE.

Ordinances for purposes not intended by this Ordinance :

1. Chapter 38 of *The Consolidated Ordinances*.
2. Chapter 45 of *The Consolidated Ordinances*.
3. Chapter 61 of *The Consolidated Ordinances*.
4. Chapter 65 of *The Consolidated Ordinances*.
5. Chapter 68 of *The Consolidated Ordinances*.
6. Chapter 69 of *The Consolidated Ordinances*.

## CHAPTER 67.

### An Ordinance respecting Mechanics' and Literary Institutes.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Mechanics' and Literary Institutes Ordinance.*" No. 17 of 1890, s. 1. Short title

#### ORGANISATION AND OBJECTS OF INSTITUTES.

2. A mechanics' and literary institute shall be held to have been organised under the provisions of this Ordinance whenever thirty persons resident in any town or village incorporated or otherwise or in any township or two townships contiguous in either of which there is not already organised an institute under this Ordinance have signed a declaration setting out the amounts subscribed by each and naming the place where the institute purposes to carry on its objects and forwarded the same to the Territorial secretary with an accompanying certificate signed by one of the subscribers and verified before any person authorised to administer oaths or affidavits to be used in the Supreme Court of the Territories, such declaration and certificate to be in form A in the schedule hereto. No. 17 of 1890, s. 2 ; No. 35 of 1892, s. 12 ; No. 38 of 1897, s. 37 (1). Mode of organisation

3. Upon the Lieutenant Governor in Council approving the organisation of the proposed institute the party making the certificate accompanying the same or in his absence any one appointed by the Territorial secretary shall call a meeting for the election of the various officers by public notice specifying the time and place of meeting published for two weeks in the nearest newspaper or posted in five conspicuous public places in the town, village or township as the case may be at least fifteen days before the time fixed for holding such meeting. Such meeting shall be held in the town, village or township or one of the townships where the institute intends prosecuting the objects for which the same has been organised. Election of officers

(2) The officers to be elected at such meeting shall be a president, vice president, secretary-treasurer, auditor and not less than five directors and the persons entitled to vote at such meeting shall be members. No. 17 of 1890, s. 3 ; No. 38 of 1897, s. 37 (2).

4. Any person may become a member of a mechanics' and literary institute organised under this Ordinance by paying to Annual subscription

the treasurer thereof yearly the sum of \$1 which shall be held to be due on the first day of each calendar year. No. 17 of 1890, s. 4; No. 38 of 1897, s. 37 (3).

Purpose

**5.** The objects of institutes organised under this Ordinance shall be to encourage mechanics, manufactures and arts generally :

- (a) By having evening classes organised for the imparting of practical instruction to its pupils ;
- (b) By establishing a library of books on one or more of the following subjects, viz.: mechanics, manufactures, agriculture, horticulture, philosophy, science, the fine and decorative arts, history, travels, poetry, biography and fiction ;
- (c) Establishing a reading room. No. 17 of 1890, s. 5.

Annual meeting

**6.** The annual meeting of every institute shall be held in the month of October in each year on the call of the president who shall give eight days notice thereof by circular addressed and posted prepaid to each member of the institute or by public notice published in the nearest newspaper or by posting it in five conspicuous places as provided in section 3 hereof when there shall be elected a president, vice president, a secretary-treasurer and not less than five directors and an auditor.

(2) If the president refuses or omits to call such meeting as herein provided the same may be called by the vice president or any three members for any time during the month of November. No. 17 of 1890, s. 6; No. 38 of 1897, s. 37 (4).

Voting, etc..

**7.** No person shall vote or take part in any annual or other meeting of any institute who has not at the time of such meeting paid up all subscriptions due by him to the said institute. No. 38 of 1897, s. 37 (5).

Meeting of officers  
How called

**8.** A meeting of the officers shall be called by written notice delivered or mailed to each officer given by authority of the president or in his absence the vice president or at the request of any three officers at least five days before the day appointed and at any such meeting four shall be a quorum. No. 17 of 1890, s. 7.

Annual report

**9.** The officers of an institute shall present at the annual meeting a report of their proceedings during the year in which shall be stated :

- (a) The names of the members of the institute ;
- (b) The amount paid by each set opposite his name ;
- (c) The classes organised ;
- (d) A list of books purchased ;
- (e) A list of newspapers and periodicals on file ; together with,

(f) Such remarks on the progress of the organisation and use to which it has been put as the directors are enabled to offer. No. 17 of 1890, s. 8.

**10.** There shall also be presented at the annual meeting a detailed statement of the receipts and disbursements of the institute during the year which said statement shall be audited by the auditor in that behalf before being submitted to the said meeting. No. 17 of 1890, s. 9.

**11.** The said report and statement if approved by the meeting shall be entered in the journals of the institute kept for such purpose and signed by the president or vice-president as being a correct entry and a true copy thereof certified by the president and secretary for the time being shall be forwarded to the Territorial secretary within one month from the date of such meeting. No. 17 of 1890, s. 10; No. 38 of 1897, s. 37 (6).

**12.** The officers shall give such information as in their power lies that the Territorial secretary may from time to time require touching the interest and condition of the objects of the organisation in their locality. No. 17 of 1890, s. 11; No. 38 of 1897, s. 37 (7).

**13.** The funds of the institute however derived may be expended for any object not inconsistent with those authorised by this Ordinance; provided that not more than one quarter of the amount received shall be expended for the purpose of a reading room. No. 17 of 1890, s. 12.

**14.** Each institute formed under this Ordinance shall be a corporation with a corporate seal under the name of "The Mechanics' and Literary Institute of" (inserting the distinguishing name of the institute) and shall have power to acquire, hold, sell, mortgage, lease or otherwise dispose of or encumber real estate and other properties real and personal. No. 17 of 1890, s. 14.

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## SCHEDULE.

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### FORM A.

We, the undersigned, respectively residing in the (town, village, township or townships, and if the latter give the range) of \_\_\_\_\_ in the district of \_\_\_\_\_ agree to form ourselves into an institute under the provisions of *The Mechanics' and Literary Institutes Ordinance*, under the name of "The Mechanics' and Literary Institute of \_\_\_\_\_" and we respectively promise to pay to the treasurer of the said

institute annually as long as we continue members thereof, the sums set opposite our respective names and to conform ourselves to the bylaws and regulations of the said institute and we hereby state that we purpose carrying on the objects of our organisation at the town (or village) of \_\_\_\_\_  
(or on the \_\_\_\_\_ quarter of Section \_\_\_\_\_ Township  
Range \_\_\_\_\_ West Meridian).

|   | Name. | Subscription. |
|---|-------|---------------|
| 1 | A. B. | \$            |
| 2 | C. D. |               |
| 3 | E. F. |               |

I \_\_\_\_\_ of \_\_\_\_\_ one of the subscribers to the above declaration hereby certify that the sum of at least one dollar has been paid by each of the above subscribers as his first annual subscription to the proposed mechanics' and literary institute of \_\_\_\_\_; and that I hold on behalf of the said proposed institute the several amounts so paid.

(Subscriber's signature.)

I, the above named \_\_\_\_\_ do solemnly declare that the facts set forth by me in the foregoing certificate signed by me are true; and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ } (Subscriber's signature.)  
1 \_\_\_\_\_

(Signature of officer receiving declaration.)

## CHAPTER 68.

### An Ordinance respecting Cemeteries.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Cemetery Ordinance*." Short title  
R.O. c. 24, s. 1.

#### INCORPORATION OF COMPANIES.

2. All companies formed under the provisions of chapter 24 of *The Revised Ordinances 1888*, intituled: *An Ordinance to incorporate Companies for the Establishment of Cemeteries*, or of any amendment thereto, in existence as such are hereby continued as bodies politic and corporate and they shall be subject to the provisions of this Ordinance. No. 23 of 1896, s. 9. Continuation of companies

3. Any number of persons not less than ten may form themselves into a company for the purpose of establishing one or more public cemeteries outside the limits of any town or village or within such limits if permission be given by bylaw of such town or village for such establishment within its limits, who have— Conditions of incorporation

- (a) Subscribed stock to an amount adequate to the purchase of the ground required for such cemetery; and
- (b) Executed an instrument according to the form in the fifth section of this Ordinance contained; and
- (c) Paid to the treasurer of the proposed company twenty-five per cent. of the capital stock intended to be raised; and
- (d) Deposited such instrument, or a duplicate thereof, together with a receipt from the treasurer for the first instalment of twenty-five per cent., in the office of the Territorial secretary. R.O. c. 24, s. 2; No. 23 of 1896, ss. 1, 2; No. 38 of 1897, s. 38 (1, 2).

4. Notice of the formation of the proposed company shall be forthwith given by the Territorial secretary in the official gazette setting forth the name of the said company and the persons constituting the same and from and after the date of the publication of such notice the persons therein named and their successors shall be a body corporate and politic under the name mentioned therein and as such body corporate and politic shall have all rights and be subject to all the liabilities of a corporation and shall have full power to acquire, hold and alienate both real and personal estate for all the purposes of the company. No. 23 of 1896, s. 2; No. 38 of 1897, s. 38 (3). Territorial secretary to receive notice of proposed formation of company  
Powers

Form of  
instrument

5. The instrument referred to in section 3 of this Ordinance may be in the form following:

"Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord one thousand \_\_\_\_\_ we the undersigned shareholders met at \_\_\_\_\_ in the North-West Territories and resolved to form ourselves into a cemetery company to be called The \_\_\_\_\_ Cemetery Company under the provisions of *The Cemetery Ordinance*; and we do hereby agree that the capital stock of the said company shall be \_\_\_\_\_ dollars to be divided into shares of \_\_\_\_\_ dollars each entitling the holder to one hundred superficial feet; and we the undersigned shareholders do hereby agree to accept and take the number of shares set by us opposite our respective signatures; and we do hereby agree to pay the calls thereon according to the provisions of the said Ordinance and the rules and regulations and bylaws of the company to be made in that behalf.

| NAME. | NO. OF SHARES. | AMOUNT. |
|-------|----------------|---------|
|       |                |         |
|       |                |         |
|       |                |         |
|       |                |         |
|       |                |         |
|       |                |         |
|       |                |         |
|       |                |         |
|       |                |         |

R.O. c. 24, s. 4.

## TRUSTEES OF RELIGIOUS BODIES.

Continuation  
of trustees

6. Trustees appointed under the provisions of Ordinance No. 5 of 1892 intituled: *An Ordinance respecting the Holding of Cemeteries in Trust for Religious Bodies* and in existence at the time of the coming into force hereof are hereby continued and shall be subject to the provisions of this Ordinance affecting trustees appointed hereunder. No. 5 of 1892.

Organisation  
of board of  
trustees

7. When any one or more religious societies or congregations in the Territories desire to take a conveyance or transfer of land for the purpose of establishing a cemetery for the use of such society or congregation or for the use in common of such societies or congregations such society or congregation or societies or congregations, as the case may be, may appoint trustees to whom and their successors to be appointed in such manner and subject to such regulations as may be specified in the deed of conveyance or transfer, the land requisite for the purpose aforesaid may be conveyed and such trustees and their successors in perpetual succession by the name expressed in the



deed may take, hold and possess the land and maintain and defend all actions or suits for the protection thereof or of their property therein :

Provided that such land shall not be within the limits of a <sup>Land to be outside town</sup> town unless permission be given by bylaw of the said town for such establishment within the limits. No 5 of 1892, s. 1 ; No. 25 of 1898, ss. 1, 3.

**8.** If the deed of conveyance or transfer of such land does not specify the manner in which the successors to the trustees therein named are to be appointed the society or congregation or societies or congregations for whose use such land is held may enter into an agreement with each other in writing in such manner as may seem to them best and such agreement shall specify the manner in which the successors of the trustees for the term then being are to be appointed and such agreement indorsed on or annexed to a certified copy of the transfer or deed of conveyance under which the land is held for the use of the said society or congregation or societies or congregations and signed by the accredited agents of such society or congregation or societies or congregations shall govern and regulate the manner in which the successors of the trustees named in the original grant, conveyance or transfer shall be appointed and the regulations to which they shall be subject. No. 5 of 1892, s. 1 (1) ; No. 25 of 1898, s. 1. <sup>Appointment of successors to trustees</sup>

**9.** Such trustees shall within twelve months after the execution of the deed of conveyance or transfer cause the deed or transfer to be registered in the land titles office of the land registration district within which the land is situated, otherwise the said deed shall be void. No. 5 of 1892, s. 2 ; No. 25 of 1898, s. 1. <sup>Transfer of land to be registered</sup>

**10.** The trustees and their successors shall thenceforth hold and convey the land for the purpose exclusively of a cemetery <sup>Purposes of land</sup> or place for the burial of the dead. No. 5 of 1892, s. 3.

#### PROVISIONS AFFECTING COMPANIES.

**11.** From and out of the proceeds of the sales of burial sites made by the company the company may pay to its shareholders who may not desire to take land in the cemetery to the full extent of the stock subscribed and paid for by them interest on their paid up stock not represented by land in the cemetery at such rate as may be agreed on not exceeding eight per centum per annum and may also repay to such shareholders the amount of paid up stock held by them not represented by land in the cemetery. <sup>Interest on paid up stock</sup>

(2) Every such shareholder of the said company shall be taken to be a shareholder and shall be entitled to all the rights of shareholders in respect of the shares of the capital stock of the company held by him and fully paid up and which are not represented by land in the cemetery until such shares are repaid to him by the company ; and upon the repayment to him of

any share he shall cease to be a shareholder in respect of such share.

When no  
dividend  
payable

(3) Except as aforesaid no dividend or profit of any kind shall be paid by the company to any member thereof. R.O. c. 24, s. 17.

Application  
of proceeds  
of sale

**12.** Subject to the provisions in the preceding section contained one half of the proceeds of all sales of burial sites made by the company shall be first applied to the payment of the purchase money of the land acquired by the company and the residue to preserving, improving and embellishing the land as a cemetery and to the incidental expenses of the company; and after payment of the purchase money the proceeds of all future sales shall be applied to the preservation, improvement and embellishment of the cemetery and to the incidental expenses thereof, and to no other purpose whatever. R.O. c. 24, s. 18.

Owner of lot  
a shareholder

**13.** Every proprietor of a lot in the cemetery containing not less than one hundred superficial feet and who has paid twenty-five per cent. or more of the price of the lot shall be deemed a shareholder in the company and every such lot shall be deemed a share in the company. R.O. c. 24, s. 19.

Qualification  
of directors

**14.** Every shareholder who has paid to the company not less than \$5 in all on his share or shares shall be eligible as a director. R.O. c. 24, s. 20; No. 23 of 1896, s. 4.

Size of lots  
Rights of  
owners

**15.** The company may sell a lot of any size, but no proprietor of a lot containing less than one hundred superficial feet shall thereby become a member of the company or have any vote in the management of the affairs thereof. R.O. c. 24, s. 21.

Board of  
directors

**16.** The affairs and property of the company shall be managed by three directors, a majority of whom shall form a quorum. R.O. c. 24, s. 22; No. 23 of 1896, s. 5.

Choice of  
directors

**17.** The first directors shall be chosen by ballot from among the subscribers to the instrument creating the company; and thereafter the directors shall be annually elected by the shareholders on the first Monday in June in every year. R.O. c. 24, s. 23.

Qualification  
of  
shareholders  
to vote

**18.** Upon every election of directors, including the first, every shareholder shall be entitled to one vote for every share he holds or is possessed of up to ten and one vote for every five shares above ten; but no shareholder shall vote unless he has paid at least \$2 upon each share upon which he votes. R.O. c. 24, s. 24.

President

**19.** The directors or a majority of them shall at their first meeting elect one of their number to be president of the company and the president if present or, if he is not present, then some director chosen for the occasion shall preside at every meeting of the directors and shall not vote except in case of an

equality of votes when he shall have a casting vote. R.O. c. 24, s. 25.

**20.** The directors may also call for instalments on the sums subscribed for and may appoint a time for the payment thereof and if the same are not then paid the right of the subscriber and every instalment formerly paid shall be forfeited and he shall be held not to have subscribed unless the directors think it expedient to remit the forfeiture which they may do if the instalments are paid with interest within one year after the day when they ought to have been paid. R.O. c. 24, s. 28.

Calls on stock  
Forfeiture for nonpayment

**21.** The directors shall record in a book kept for the purpose, all their bylaws and proceedings, and every shareholder shall have access to such book for the purpose of searching and making extracts therefrom, without payment of any fee. R.O. c. 24, s. 27; No. 23 of 1896, s. 6.

Records

**22.** The directors may reserve for the exclusive use of any religious society or congregation such part of the cemetery and upon such terms and conditions as may be agreed upon. No. 23 of 1896, s. 8.

Exclusive reservation

**23.** The company shall furnish graves for strangers and for the poor of all denominations free of charge on the certificate, in the latter case of a minister or clergyman of the denomination to which the deceased belonged, that the relatives of the deceased are poor and cannot afford to purchase a lot in the cemetery. R.O. c. 24, s. 13.

Graves for strangers and poor

#### GENERAL PROVISIONS.

**24.** The company shall within two years from its incorporation and the trustees shall within two years from their appointment by walls or other fences inclose every part of the cemetery held by them. R.O. c. 24, s. 5; No. 5 of 1892, s. 4.

Walls and fences

**25.** The company or trustees as the case may be shall keep the cemetery and the buildings and fences thereof in complete repair and in good order and condition. R.O. c. 24, s. 6; No. 5 of 1892, s. 5.

Repair of property

**26.** The company or trustees as the case may be shall make all proper and necessary sewers and drains in and about the cemetery for draining it and keeping it dry; and they may, from time to time as occasion requires cause any such sewer or drain to open into an existing sewer with the consent in writing of the persons having the management of the street or road, and with the like consent of the owner or occupier of the land through which or part of which the opening is intended to be made doing as little damage as possible to the street, road or land wherein the same is made and restoring it to the same or as good condition as it was in before being disturbed. R.O. c. 24, s. 7; No. 5 of 1892, s. 6.

Drains and sewers

Penalty for  
fouling water

**27.** If the company or trustees as the case may be at any time cause or suffer to be brought to or to flow in any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place any offensive matter from the cemetery whereby the water is fouled the company or trustees as the case may be shall forfeit for every such offence \$500. R.O. c. 24, s. 8; No. 5 of 1892, s. 7.

Suit for  
penalty

**28.** The said penalty with full costs of suit may by a civil action in any court of competent jurisdiction, be recovered by any person having a right to use the water; but the penalty and costs shall not be recoverable unless sued for during the continuance of the offence or within six months after it has ceased. R.O. c. 24, s. 9; No. 5 of 1892, s. 8.

Limitation  
of action

Further  
penalty

**29.** In addition to the penalty of \$500 (and whether the same has been recovered or not) any person having a right to use the water may sue the company or trustees as the case may be in a civil action for any damage specially sustained by him by reason of the water being fouled or if no special damage is alleged then for the sum of \$10 for every day during which the offensive matter has continued to be brought or to flow after the expiration of twenty-four hours from the time when the notice of the offence was by such person served upon the company or trustees as the case may be. R.O. c. 24, s. 10; No. 5 of 1892, s. 9.

No grave near  
buildings

**30.** No body shall be buried in a vault or other space under any chapel or other building in the cemetery nor within fifteen feet of the outer wall of any such chapel or building. R.O. c. 24, s. 11; No. 5 of 1892, s. 10.

Proper  
conduct of  
funerals

**31.** The company or trustees as the case may be shall make regulations to ensure all burials within the cemetery being conducted in a decent and solemn manner. R.O. c. 24, s. 12; No. 5 of 1892, s. 11.

Exemption  
from taxes

**32.** The real estate of the company or trustees and the lots or plots when conveyed by the company or trustees to individual proprietors for burial sites shall be exempt from taxation of any kind and shall not be liable to be seized or sold under execution. R.O. c. 24, s. 14; No. 5 of 1892, s. 12.

Bylaws

**33.** The directors of the company may pass bylaws and the trustees may frame regulations for the laying out, selling and management of the cemetery and for regulating the erection of tombs, monuments and gravestones therein; and the directors of the company may pass bylaws empowering the president to execute conveyances of plots to shareholders. R.O. c. 24, s. 26; No. 5 of 1892, s. 15.

Record of  
regulations  
and burials

**34.** The directors shall keep a record of the bylaws and the trustees shall keep a record of the regulations referred to in the next preceding section and the directors and trustees re-

spectively shall also keep a separate record of all burials showing name, age, occupation and date of burial of all persons buried within the cemetery and in case they cannot get all the particulars a note of such must be made in the margin and every person shall have access to such last mentioned record for the purpose of searching and making extracts therefrom without payment of any fee. No. 5 of 1892, s. 16.

**35.** Any person who in a cemetery established under this Ordinance : Penalties

- (a) Plays any game or sport ; or
- (b) Discharges fire arms (save at a military funeral); or who
- (c) Commits a nuisance therein ;

shall on summary conviction thereof be liable to a fine not exceeding \$100 and costs of prosecution. R.O. c. 24, s. 30 ; No. 5 of 1892, s. 18.

**36.** The trustees shall be personally liable for any judgment recovered against them as trustees. No. 5 of 1892, s. 17. Liability of trustees

## CHAPTER 69.

### An Ordinance respecting Agricultural Societies.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Agricultural Societies Ordinance.*" No. 20 of 1892, s. 1.

#### ORGANISATION.

Organisation of societies      **2.** An agricultural society shall be held to be organised under the provisions of this Ordinance whenever fifty persons over eighteen years of age have signed a declaration naming a place where the meetings of the society shall be held and forwarded the same to the commissioner of agriculture with an accompanying certificate signed by one of the subscribers and verified by a statutory declaration before any person authorised to administer oaths or take affidavits to be used in the Supreme Court of the Territories; such declaration and certificate to be in form A in the schedule hereto :

Provided always that the applicants shall be residents of the Territories who have not already signed any declaration for the establishment of an existing agricultural society under this or any other Ordinance. No. 20 of 1892, s. 2; No. 38 of 1897, s. 39 (1); No. 40 of 1898, s. 5.

First election of officers      **3.** Upon the commissioner of agriculture acknowledging the receipt of a declaration as aforesaid expressing his approval of the organisation of the proposed agricultural society the party making the certificate accompanying the same or in his absence any one appointed by the commissioner of agriculture shall call a meeting for the election of the various officers by public notice published for two weeks in the nearest newspaper or posted in five conspicuous places near where the meeting is to be held at least fifteen days before the time fixed for holding such meeting and it shall be held in a central and convenient place.

(4) The officers to be elected at such meeting shall be a president, two vice presidents, an auditor and not less than seven directors. No. 20 of 1892, s. 3; No. 38 of 1897, s. 39 (2).

Annual fee      **4.** Any person may become a member of an agricultural society organised under this Ordinance by paying to the treasurer thereof yearly the sum of \$1. No. 20 of 1892, s. 4.

## OBJECTS.

**5.** The object of societies organised under this Ordinance shall be to encourage improvement in agriculture : Objects of societies

(a) By importing or otherwise procuring seeds, plants and animals of new and valuable kinds ;

(b) By awarding prizes for excellence in the raising or introduction of stock, the invention or improvement of agricultural implements or machines, the production of grain and all kinds of vegetables, plants, flowers and fruits, home manufactures and works of art and generally for excellence in any agricultural production or operation ;

(c) By offering prizes for essays on questions of scientific inquiry relating to agriculture and the best systems of protection against prairie fires ;

(d) By holding meetings for the discussion of and hearing lectures on subjects connected with the theory and practice of improved husbandry or other industrial purposes ;

(e) By taking such steps as may be considered necessary to prevent the spread of noxious weeds. No. 20 of 1892, s. 5 ; No. 27 of 1894, s. 3 ; No. 19 of 1895.

**6.** The funds of the society however derived may be expended for any object not inconsistent with those hereby authorised. No. 20 of 1892, s. 6. Expenditure of funds

## ANNUAL AND OTHER MEETINGS. DUTIES OF OFFICERS.

**7.** The annual meeting of every society shall be held during the months of January, February or March in each year on the call of the president who shall give eight days' written or printed public notice thereof, the place of meeting having been previously fixed at a meeting of the directors, when there shall be elected a president, two vice presidents and not less than seven directors and an auditor and the place for holding the the annual exhibition shall be also then decided and the persons entitled to vote at such meeting shall be paid up members for the ensuing year. Annual meeting Procedure thereat

(a) The notice of meeting provided in this section shall be given by publishing the same in the nearest newspaper or by posting it in five conspicuous places near the place of meeting one of which shall be the post office if there is one within the district. No. 20 of 1892, s. 7 ; No. 40 of 1898, s. 5. How called

**8.** A meeting of the officers shall be held at the close of the annual meeting for the appointment of a secretary treasurer or a secretary and treasurer. No. 20 of 1892, s. 7 (1). Appointment of secretary and treasurer

**9.** Every treasurer shall before entering upon his duties as such give security to the directors by a bond signed and acknowledged before a magistrate and such security shall be given by at least two solvent sureties jointly and severally to the Treasurer to give security

satisfaction of the board of directors and to the amount of any moneys for which the treasurer may at times be responsible whether arising from the society's funds or from any particular contribution or donation paid into his hands for the support or benefit of the society, and such security shall be renewed at the beginning of each year or renewed at other times or changed whenever renewal or change is required by the board of directors. Such bond may be in form C in the schedule hereto and shall be forwarded immediately to the commissioner of agriculture. No. 20 of 1892, s. 7; No. 11 of 1893, s. 1; No. 38 of 1897, s. 39 (3).

**Audit**

**10.** It shall be the duty of the secretary treasurer or treasurer to hand over all books of account and prize lists if any to the auditor for the purpose of audit at least ten days previous to the annual meeting. No. 20 of 1892, s. 7; No. 11 of 1893, s. 2; No. 38 of 1897, s. 39 (4).

**Meetings of officers**

**11.** Meetings of officers shall be held pursuant to adjournment or called by written notice given by authority of the president or in his absence of the senior vice president at least ten days before the day appointed and at any meeting five shall be a quorum. No. 20 of 1892, s. 8.

**Annual report required**

**12.** The officers and directors shall in addition to the ordinary duties of management cause to be prepared and present at the annual meeting a report in which shall be stated the names of all members of the society with the amount paid by each set opposite his name, a balance sheet showing the financial standing of the society for the past year, such balance sheet to be in form B in the schedule hereto, together with such remarks and suggestions upon agriculture in the district as the directors are enabled to offer. No. 20 of 1892, s. 9.

**Copy of report and prize list to be sent to commissioner**

**13.** The said report and statement if approved by the meeting shall be entered in the society's journal kept for such purpose and signed by the president or in his absence by the vice president as being a correct entry; and a true copy thereof certified by the president and secretary for the time being together with a copy of the society's prize list if any shall be sent to the commissioner of agriculture on or before the fifteenth day of April next following such meeting. No. 20 of 1892, s. 10; No. 38 of 1897, s. 39 (5).

**Detailed statement of income**

**14.** The secretary treasurer of each agricultural society shall on or before the 20th day of October in each year transmit to the commissioner of agriculture a statement verified by statutory declaration showing in detail the cash receipts of the society from all sources and any action taken by the society under the provisions of section 5 of this Ordinance. No. 27 of 1894, s. 1; No. 38 of 1897, s. 39 (6).

**GRANTS IN AID OF SOCIETIES.****Grants, how apportioned**

**15.** The Territorial treasurer shall apportion among the



societies whose statements have been transmitted as provided in the last preceding section and received by the commissioner of agriculture on or before the thirtieth day of November next following, the grant made by the Legislative Assembly for agricultural societies in amounts equal to the fees paid by the members as shown in the financial statement :

Provided that the amount paid to any one society shall not exceed \$150. No. 27 of 1894, s. 2 ; No. 38 of 1897, s. 39 (7).

**16.** In case the grant made by the Legislative Assembly shall not be sufficient to cover the total amount of such apportionment the apportionment shall be made *pro rata* on the same basis. No. 27 of 1894, s. 2 (1). <sup>Insufficiency of grant</sup>

**17.** No society shall participate in the apportionment which has not at least fifty *bona fide* members. No. 27 of 1894, s. 2, (2) ; No. 38 of 1897, s. 39 (8) ; No. 40 of 1898, s. 5. <sup>Grant requirement</sup>

#### REPORTS TO DEPARTMENT OF AGRICULTURE.

**18.** The said officers and directors shall answer and give such information as the commissioner of agriculture may from time to time require touching the interest or condition of agriculture in their districts. No. 20 of 1892, s. 11 ; No. 40 of 1898, s. 5. <sup>Information to be supplied</sup>

#### SOCIETIES BODIES CORPORATE.

**19.** Each society formed under this Ordinance shall be a corporation with a corporate seal under the name of "The Agricultural Society of (*inserting the name of the society*)" and shall have power to acquire, hold, sell, mortgage, lease or otherwise dispose of or encumber real estate and other properties real and personal. No. 20 of 1892, s. 12. <sup>Society a corporation Seal Powers of society</sup>

## SCHEDULE.

## FORM A.

Declaration  
as to  
organisation

We, the undersigned, each being resident within the Territories and over eighteen years of age, agree to form ourselves into a society under the provisions of *The Agricultural Societies Ordinance* under the name of (*name of society*) and we respectively promise to pay to the treasurer of the said society annually as long as we continue members thereof the sums set opposite our respective names and to conform ourselves to the bylaws and regulations of the said society ;

And we hereby name (*specifying the place*) as the place where the meetings of the society shall be held ;

And we hereby state that we have not previously signed any declaration for the establishment of an existing agricultural society under the said Ordinance or any other Ordinance.

| NAME. | SUBSCRIPTION. |
|-------|---------------|
|       |               |
|       |               |
|       |               |
|       |               |
|       |               |
|       |               |
|       |               |
|       |               |
|       |               |

Certificate

I, \_\_\_\_\_ of \_\_\_\_\_ one of the subscribers to the above declaration hereby certify that the sum of at least \$1 has been paid by each of the above subscribers as his first annual subscription to the proposed agricultural society of (*insert name of society*) ; and that I hold on behalf of the said proposed society the several amounts so paid.

(*Signature of subscriber.*)

Declaration  
of truth of  
certificate

I (*name of person signing the certificate*) above named do solemnly declare that the facts set forth in the foregoing certificate are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1891*.

Declared before me at \_\_\_\_\_  
in the North-West Territories  
this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. 1 \_\_\_\_ .

(*Signature of subscriber.*)

FORM B.

Balance sheet of the agricultural society for the twelve months ended 31st December, 1911.

| Date. | Receipts. | \$ | cts. | Date. | Expenditure. | \$ | cts. |
|-------|-----------|----|------|-------|--------------|----|------|
|       |           |    |      |       |              |    |      |

We, the undersigned, auditors duly appointed by the agricultural society under the provisions of the Ordinance in that behalf, hereby certify that we have duly examined every item of receipt and expenditure of the aforementioned society for the twelve months ended 31st December, 1 , as shown in the account books of the said society and have found the same to be correct in every particular; and the foregoing statement is a true abstract thereof.

Auditor.

Secretary-Treasurer.

## FORM C.

## FORM OF BOND TO BE GIVEN BY TREASURER.

Treasurer's  
bond

Know all men by these presents that *A. B.*, Treasurer of  
*(here insert name of the agricultural society in full)*, *C. D.*, of  
 and *E. F.*, of , are held  
 and firmly bound unto the directors of the said society or to  
 their successors, in the penal sum of  
 dollars, to be well and truly paid to the said directors or their  
 successors for which payment we bind ourselves and each of  
 us respectively binds himself and his respective heirs, execu-  
 tors and administrators firmly by these presents.

Dated this                      day of                      1

The condition of the above bond or obligation is such that if  
 the above bounden , his heirs, executors and  
 administrators do and shall well and truly account for and  
 remit to the directors of the said society all moneys belonging  
 to such society coming into his hands without any deduction,  
 defalcation or abatement whatsoever then the said bond or  
 obligation to be void otherwise to be and to remain in full  
 force and virtue.

Signed, sealed, etc., etc.

## CHAPTER 70.

### An Ordinance respecting Municipalities.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Municipal Ordinance*." No. 8 of 1897, s. 1. Short title

#### INTERPRETATION.

2. Unless otherwise declared or indicated by the context, whenever any of the following expressions occur in this Ordinance the meanings hereinafter expressed shall attach to the same, namely : Interpretation clauses

1. "Municipality" means any locality the inhabitants of which are incorporated a rural municipality or town ; "Municipality"

2. "Council" means the municipal council ; "Council"

3. "Mayor" means the head of the council of a town municipality and "reeve" means the head of the council of a rural municipality or the person filling for the time being the position of mayor or reeve ; "Mayor"  
"Reeve"

4. "Land," "real property" and "real estate" respectively shall include all buildings or other things erected upon or affixed to the land and all machinery or other things so fixed to any buildings as to form in law part of the realty and all mines, minerals, quarries, fossils in and under the same except mines belonging to Her Majesty ; "Land," etc.

5. "Personal estate" and "personal property" include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, income and all other property except land and real estate and real property as above defined and except property herein expressly exempted ; "Personal estate," etc.

6. "Elector" means any person entitled for the time being to vote at any municipal election or in respect of any bylaw in the municipality or polling subdivision as the case may be ; "Elector"

7. "Owner" or "proprietor" means any person who has the ownership or use of any taxable property or has an agreement for purchase of the same ; "Owner"  
"Proprietor"

8. "Householder" means the occupier of a house but shall not mean or include any person who is a mere lodger or boarder in a house ; "Householder"

9. "Occupant" means a person who possesses, holds or occupies any land under any title whatsoever or even without "Occupant"

title or is occupying lands of the Crown under any style of location, agreement or tenure whatever ;

"Lot "

10. "Lot" means one of the subdivisions into which a piece or parcel of land has been divided into smaller parcels for purposes of sale, including the buildings and other improvements thereon ;

"Revised  
assessment  
roll "

11. "Revised assessment roll" means the assessment roll as finally passed by the court of revision and certified by the clerk, notwithstanding that an appeal to a judge in respect thereof may be pending and after the decision of any such appeal the said expression shall mean the said roll with any amendments made thereto by the judge ;

"Taxable  
person "

12. "Taxable person" means—

- (a) Any person receiving an annual income or the owner of any personal property not exempted from taxation ;
- (b) The owner of lands not exempt from taxation where the same are occupied by the owner or unoccupied, otherwise the occupant ;

"Judge "

13. "Judge" means a judge of the Supreme Court of the North-West Territories ;

"Highway"  
"Road"  
"Bridge "

14. "Highway," "road" or "bridge" means a public highway, road or bridge respectively ;

"Drainage "

15. "Drainage" shall be held to include and to have always included sewerage and sewage ;

"Resident "

16. "Resident" shall mean a person residing within the limits of the municipality. No. 8 of 1897, s. 2 ; No. 26 of 1898, s. 1 (1, 2).

## Part I.

### Municipal Organisation.

#### THE BODY CORPORATE.

**3.** Every municipality in the North-West Territories is hereby declared a body corporate and subject to all the liabilities of a corporation with full power to acquire, hold and alienate both real and personal estate for all municipal purposes and by the same name they and their successors shall have perpetual succession and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law and in equity whatsoever: and they shall have a common seal with power to alter and modify the same at their pleasure; and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property real or movable for the use of said municipality and of becoming parties to any contracts or agreements in the management of the affairs of the said municipality. No. 8 of 1897, s. 3; No. 26 of 1898, s. 1 (3). General rights and obligations of municipalities

**4.** The head and members of the council and the officers, bylaws, contracts, property, assets and liabilities of every municipal corporation when this Ordinance takes effect shall be deemed the head and members of the council and all bylaws, contracts, property, assets and liabilities of such council or municipal corporation shall be subject to the provisions of this Ordinance. No. 8 of 1897, s. 4; No. 26 of 1898, s. 1 (4). Existing council, officers, etc., continued hereunder

**5.** In the case of towns the name of the body corporate shall be "The Town of (*naming the same*)."  
No. 8 of 1897, s. 5. Town municipalities

**6.** In the case of rural municipalities the name of the body corporate shall be "The municipality of (*naming the same*)."  
No. 8 of 1897, s. 6. Rural municipalities

**7.** The council of every town shall consist of the mayor, who shall be the head thereof, and six councillors. No. 8 of 1897, s. 7. Town councils

**8.** The council of every rural municipality shall consist of a reeve and four councillors. Rural municipal councils

(2) Should for any reason any municipality be or become insufficiently represented as required respectively by this Ordinance the Lieutenant Governor in Council may make such appointments for office as shall fill the requirements of sections 7 and 8 of this Ordinance. No. 8 of 1897, s. 8.

#### ELECTIONS.

**9.** The persons eligible for election as mayors, reeves and councillors shall be natural born or naturalised subjects of Her Qualifications of mayors,

reeves,  
councillors

Majesty and males of the full age of twenty-one years able to read and write, not subject to any disqualification under this Ordinance and qualified as follows:

(a) In towns, being resident within the municipality or within two miles of the limits of the municipality, the owner at the time of the election of freehold, leasehold or partly freehold and partly leasehold real estate rated in their own names on the last revised assessment roll of the municipality to at least the value following, over and above all charges, liens, and encumbrances affecting the same: freehold \$500, leasehold \$1,500.

(b) In rural municipalities, being resident within the municipality and the owner at the time of the election of real estate of not less than \$400 within the municipality rated in their own names on the last revised assessment roll of the municipality. No. 8 of 1897, ss. 9, 10, 11.

Persons  
disqualified  
for councillors

**10.** No judge of any court of civil jurisdiction, no gaoler or keeper of any house of correction, no sheriff, deputy sheriff, sheriff's bailiff or constable in any town, no assessor, secretary-treasurer or other paid official of the municipality, no bailiff, no inspector of licenses, no person having by himself or his partner an interest in any contract with or on behalf of the corporation or being indebted to the municipality, and no surety for an officer or an employee of the municipality, and no person who shall have been convicted of treason or an offense punishable with death or imprisonment for more than five years in any court of law within Her Majesty's dominions, shall be qualified to be a member of the council of any municipality.

Shareholders  
not  
disqualified

(2) No person shall be held to be disqualified from being elected a member of the council of any municipality by reason of his being a shareholder in any incorporated company having dealings or contracts with the council of such municipality or by having a lease of twenty-one years or upwards of any property from the municipality; but no such leaseholder shall vote in the council on any question affecting any lease from the municipality and no such shareholder on any question affecting the company. No. 8 of 1897, s. 12; No. 26 of 1898, s. 1 (5).

Voters' list

**11.** The secretary treasurer shall on or before the first day of September in each year prepare a voters' list which shall be an alphabetical list of electors and which shall comprise the names of those persons duly qualified to vote at municipal elections in the municipality and shall post the same in a conspicuous place in his office; such list shall contain opposite the name of each elector a short description of the real property in respect of which he is entitled to vote or if on personalty or income the words "personalty" or "income" as the case may be. No. 8 of 1897, s. 50; No. 26 of 1898, s. 1 (13).

Application

**12.** Any person who has been resident in the municipality  
550



in the then current year prior to the first day of July and who is otherwise duly qualified whose name does not appear on the voters' list or who is not assessed on the roll high enough to be qualified as a voter or whose name is put down in error or whose name has been omitted from the last revised assessment roll (provided that the taxes are first paid on the property or income in respect of which he claims a vote) may either by himself or agent apply to have the list amended upon giving to the clerk a notice in the following form :

To the secretary treasurer of the municipality of

Take notice that I intend applying to the council to have my name added to the voters' list (or corrected as the case may be) for the following reasons (*here state the grounds according to the facts*).

(*Signature of applicant*)

Applicant.

Or

(*Name of applicant*).

Applicant by his agent.

(*Signature of agent*).

No. 8 of 1897, s. 51.

**13.** If any person qualified as a voter on income has left the municipality or if a person has disposed of the property for which he was qualified as a voter under this Ordinance before the first day of October in the then current year or if any person's name is wrongfully put down he shall be deemed disqualified as a voter and any person duly qualified may apply to the council to have the name of the party so or otherwise disqualified struck off the voters' list and the name of the proper party if any substituted therefor by notice to the secretary-treasurer of his intention of applying to the council for that purpose as provided in the preceding section. No. 8 of 1897, s. 52.

**14.** Notices served upon the secretary-treasurer under the two preceding sections shall be served in each year on or before the first day of November. No. 8 of 1897, s. 53.

**15.** On or before the fifth day of November the secretary-treasurer shall make a list of all applicants for amendments to the voters' list, stating names and grounds of each of such applications and shall post the same in a conspicuous place in his office and shall immediately thereafter notify the parties interested of the time and place fixed by the council for hearing such applications. No. 8 of 1897, s. 54.

**16.** On or before the fifteenth day of November in each year the council of each municipality shall meet as a final court of revision on the voters' list and shall hear and determine all applications of which notice has been given to the secretary-treasurer as hereinbefore provided and thereupon amend the voters' list in all cases provided for by sections 12 and 13

hereof as may be deemed fit and right and the list so amended shall be the voters' list of the municipality for the year next ensuing. No. 8 of 1897, s. 55.

**Court of revision**

**17.** The council sitting as a final court of revision on the voters' list as aforesaid shall have all the powers and privileges conferred by this Ordinance upon the court of revision for the municipality sitting upon the assessment roll, as to the attendance of witnesses and the imposition and recovery of penalties and as to procedure. No. 8 of 1897, s. 56.

**Annual elections**

**18.** The council shall at least one week prior to the last Monday in November, by bylaw, appoint a returning officer for the municipality, define the districts or subdivisions within the municipality (if such are deemed necessary) and the place or places where the votes are to be polled, and appoint a deputy returning officer for each of the said places where such votes are to be polled.

**Qualification of voters**

(2) The persons qualified to vote shall be the men, unmarried women and widows over twenty-one years of age who are assessed upon the last revised assessment roll of the municipality for income or personal property for \$200 or upwards or who are named upon the said assessment roll as either occupants or owners of real property held in their own right or (in the case of married men) held by their wives for \$200 or upwards and whose names appear in the voters' list founded upon such roll:

**Proviso as to nonpayment of taxes**

Provided always that a municipality may, by bylaw, declare that no person shall be entitled to vote who has not on or before a day to be named therein paid all taxes due by him to such municipality either for the current year or all arrears of taxes or both. No. 8 of 1897, s. 13.

**Defaulter's list**

**19.** In the municipalities which have passed a bylaw under the provisions of the proviso to the next preceding section on or before the day of nomination of candidates the secretary-treasurer shall prepare and verify on oath a correct alphabetical list of the names of all persons who have not complied with the terms of any such bylaw, such list to be called "the defaulters' list."

(2) Any person named in such defaulters' list may vote if at the time of tendering his vote he produces and leaves with the officer holding such election a certificate from the secretary-treasurer of the municipality showing that the taxes (in respect of which default has been made) have been paid; and such officer shall file such certificate, receive the vote and note the same on the defaulters' list. No. 8 of 1897, ss. 14, 15; No. 26 of 1898, s. 1 (6, 7.)

**Oath of election officers**

**20.** Every returning officer, deputy returning officer, poll clerk, candidate or agent authorised to be present at any polling place shall, before exercising any of the functions of such returning officer, deputy returning officer, poll clerk, candidate or agent at any polling place, take and subscribe before a

justice of the peace or the clerk of the municipality an oath in form as follows :

I, *A. B.*, do swear that I will not at any time disclose to any one the name of any person who has voted at the election to be held in the municipality of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1 \_\_\_\_\_ ; and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted ; and will not in any way aid in the unlawful discovery of the same ; and that I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So help me God. No. 8 of 1897, s. 16.

**21.** The returning officer shall, by notice in form A in the schedule to this Ordinance, posted up in ten conspicuous places within the municipality and at least six days previous to such meeting, call a meeting of the electors within the same on the first Monday in December for the purpose of nominating candidates for the offices of mayor or reeve and as many councillors as may be required for the term commencing on the first day of January next ensuing. No. 8 of 1897, s. 17. Election notice

**22.** At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations and any person whose name appears on the last revised assessment roll may propose or second the nomination of any duly qualified persons to serve as mayor, reeve or councillor ; and the meeting shall remain open until noon when if the number of duly qualified persons nominated to serve as mayor, reeve or councillors for the municipality does not exceed the requisite number the returning officer shall declare the persons so nominated duly elected, as hereafter provided : Nomination proceedings

1. As mayor or reeve for the ensuing year, the candidate duly nominated for that office ; Term of service

2. As councillors, at the first election the three candidates in town municipalities and the two candidates in rural municipalities who shall have been first nominated shall be declared elected for the two years next ensuing and the three candidates in town municipalities and the two candidates in rural municipalities who shall have been next nominated shall be declared elected for the next ensuing year and at each election thereafter councillors shall be elected for a term of two years :

Provided always that every nomination for mayor, reeve or councillor shall be accompanied by a written consent from the person named in each nomination to accept the office if elected. No. 8 of 1897, s. 18 ; No. 26 of 1898, s. 1 (8). Written consent

**23.** In the event of more than the required number of such persons being nominated for the municipality the returning officer shall declare that a poll will be held in such municipality and name the time (which shall be the same day of the week as the nomination in the next following week), the place Poll declared

and the deputy returning officer or deputy returning officers, as the case may be, appointed to hold the same and the time and place where the result of such poll shall be declared. No. 8 of 1897, s. 19.

Election  
notices

**24.** Whenever a poll has to be taken the returning officer shall without any unreasonable delay after the nomination cause to be posted up in at least ten conspicuous places within the municipality a notice in form B in the schedule to this Ordinance. No. 8 of 1897, s. 20.

Candidates  
may withdraw

**25.** Any candidate nominated may withdraw at any time after nomination and before the close of the poll on polling day by filing with the returning officer or deputy returning officer a declaration in writing to that effect signed by himself in the presence of the returning officer or deputy returning officer, a justice of the peace or a notary public and any votes cast for any such candidate shall be null and void. No. 8 of 1897, s. 21.

Hours of  
polling

**26.** The poll shall be kept open from nine o'clock (standard time) in the forenoon until five o'clock (standard time) in the afternoon of the same day. No. 8 of 1897, s. 22.

Agent of  
candidate

**27.** Any person producing to the deputy returning officer at any time a written authority to represent a candidate as agent at a polling place shall be recognized as such by the deputy returning officer. No. 8 of 1897, s. 23.

Direction  
for voting

**28.** Every elector who is entitled to a vote in more than one polling subdivision shall vote for mayor in towns and for reeve in rural municipalities at the polling place or polling subdivision in which he is resident if qualified to vote therein; or when he is a non-resident or is not entitled to vote in the polling subdivision where he resides then where he first votes and there only.

Penalty for  
voting twice

(2) Any person who votes for mayor or reeve after having already voted for mayor or reeve at some other polling place at that election shall incur a penalty of \$50 to be recovered with full costs of suit by any person who will sue for the same in any court having jurisdiction where the offence was committed and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual elections.

Evidence  
of voting

(3) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. No. 8 of 1897, s. 24.

Oaths

**29.** At the request of any candidate or his agent or of any elector the following oath shall be administered to any person tendering his vote at such election:

You do solemnly swear that you are the person named or purporting to be named by the name of \_\_\_\_\_ on the voters' list now shown to you; that you have not before

voted at this election; and that you have not received or been promised any consideration whatsoever for voting at this election and *(if the municipality has passed a bylaw requiring all persons to have paid their taxes to entitle them to vote)* that you have paid all taxes in arrear due by you to the municipality of ; that you are of the full age of twenty one years; *(if a woman that you are unmarried or a widow)*. No. 8 of 1897, s. 25.

**30.** Every deputy returning officer may by writing under his hand appoint a poll clerk who in the absence of such deputy returning officer or on his failure or inability to fulfil the duties required of him by this Ordinance shall have all the powers of such deputy returning officer. No. 8 of 1897, s. 26. Poll clerk Powers and duties

**31.** The votes at all elections shall be given by ballot in manner hereinafter set forth. No. 8 of 1897, s. 27. Ballot

**32.** Every ballot paper shall contain the names of the candidates alphabetically arranged and all ballot papers shall be in form C in the schedule to this Ordinance. No. 8 of 1897, s. 28. Form of ballot

**33.** The returning officer shall procure or cause to be procured as many ballot boxes as there are polling subdivisions in the municipality and cause to be printed a sufficient number of ballot papers for the purposes of the election. No. 8 of 1897, s. 29. R. O. shall procure ballots and boxes

**34.** The returning officer shall at least two days before polling day deliver one of the ballot boxes to each deputy returning officer. No. 8 of 1897, s. 30. Delivery of ballot boxes

**35.** The returning officer shall before the poll is opened cause to be delivered to every deputy returning officer the ballot papers, materials for marking the ballot papers and a sufficient number of printed directions for voting in form D in the schedule to this Ordinance. No. 8 of 1897, s. 31. Ballots to be delivered

**36.** The secretary-treasurer of the municipality shall supply to each deputy returning officer before the opening of the poll a voters' list in form E in the schedule to this Ordinance, containing the names of all the electors at that polling subdivision and a copy of the defaulters' list if any as provided in section 19 of this Ordinance. No. 8 of 1897, s. 32; No. 26 of 1898, s. 1 (9). Voters' list

**37.** Every deputy returning officer shall provide a compartment at the polling place to which he is appointed where the voters can mark their ballots screened from observation, and may appoint a constable to maintain order at the polling place. No. 8 of 1897, s. 33. Polling booth

**38.** Every deputy returning officer shall immediately before the commencement of the poll open the ballot box and call such Proceedings at opening of poll

persons as may be present to witness that it is empty ; he shall then lock and properly seal the same to prevent its being opened without breaking the seal and then place the box in view for the reception of the ballots and the seal shall not be broken nor the box unlocked during the time appointed for taking the poll. No. 8 of 1897, s. 34.

Conduct  
of poll

### 39. Proceedings at the poll shall be as follows :

Use of  
voters' list

1. On a person presenting himself for the purpose of voting the deputy returning officer shall ascertain that the name of such person is entered or purports to be entered upon the voters' list of his polling division ;

Entry when  
oath is taken

2. If such person takes the oath or affirmation prescribed by this Ordinance the deputy returning officer shall cause to be entered opposite the name of such person in the proper column of the voters' list "sworn" or "affirmed," according to the fact ;

Entry when  
oath is  
not taken

3. When such person as aforesaid has been required to take the oath or affirmation prescribed by this Ordinance and refuses to take the same the deputy returning officer shall cause to be entered in the proper column of the voters' list opposite the name of such person the words "refused to be sworn" or "refused to affirm," according to the fact ;

Consequence  
of refusal  
of oath

4. No person who has refused to take the oath or affirmation prescribed by this Ordinance when requested so to do shall receive a ballot paper or be admitted to vote ;

Entry when  
vote is  
objected to

5. When the vote is objected to the deputy returning officer shall cause to be entered in the proper column of the voters' list opposite the voter's name the words "objected to" and shall add thereto the name of the candidate by whom or on behalf of whom the objection is made ;

Ballot paper  
to be given  
to voter

6. After the proper entries respecting a person claiming to vote have been made in the voters' list in the manner prescribed the deputy returning officer shall stamp or sign his initials upon the back of the ballot paper and shall deliver the same to such person ;

Explanations  
may be made

7. The deputy returning officer may and upon request shall either personally or through his poll clerk explain to the voter, as concisely as possible, the mode of voting ;

Voters' list  
to be marked

8. The deputy returning officer shall cause to be placed in the proper column of the voters' list a mark opposite the name of every voter receiving a ballot paper ;

Only one voter  
to vote at a  
time

9. Only one person claiming to be entitled to vote shall be allowed at a time in the apartment where the election is held :

Method of  
voting

10. Each person receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his ballot paper by placing a cross opposite the name of the candidate or candidates for whom he desires to vote ; he shall then fold the ballot paper so as to conceal the names of the candidates and the marks on the face of the paper but so as expose the initials of the deputy returning

officer and on leaving the compartment shall forthwith and without exposing the face of the ballot paper to anyone or in any manner making known to any person for or against whom he has voted, deliver the same to the deputy returning officer who shall without unfolding it verify his initials and at once deposit it in the ballot box in the presence of all other persons entitled to be and then present in the polling place ;

11. While any voter is in the compartment for the purpose of marking his ballot paper no other person shall be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his ballot paper except as hereinafter provided ;

Voter to be alone when marking ballot

12. In case any elector states he is unable to mark his ballot paper—

Where voter is unable to mark his ballot

(a) The deputy returning officer shall in the presence of the candidates or their agents present, if required by any candidate or agent, administer an oath to such elector that he is unable to mark his ballot paper and shall then cause the vote of such elector to be marked as he directs and shall then place the same in the ballot box ; and

(b) The deputy returning officer shall state in the voters' list opposite the name of such elector in the column for remarks, the fact that the ballot paper was marked by him at the request of the voter and why ;

13. Any elector who has spoiled his ballot paper in marking it and discovers the fact before it has been placed in the ballot box may on returning the same to the deputy returning officer and proving the fact to him obtain another ballot paper and the deputy returning officer shall mark upon the face of the ballot paper so returned the word "cancelled" and all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer in the manner hereinafter provided ;

Where ballot paper is spoiled

14. Any person who has received a ballot paper and who leaves the polling place without delivering the same to the deputy returning officer in the manner provided or if, after receiving the same, refuses to vote shall forfeit his right to vote at the election then pending and the deputy returning officer then shall make an entry in the voters' list, opposite the name of such person in the column for remarks, that such person received the ballot paper and did not return the same or that the person returned the ballot paper and declined to vote, in which latter case the deputy returning officer shall mark upon the face of the ballot paper the word "declined," and all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer in the manner hereinafter provided ;

Persons declining to vote

15. Any deputy returning officer, candidate, agent or poll clerk who belongs to a polling division other than the one in which he is performing the duties of such, may vote at the polling station where he is so engaged provided he produces a cer-

Persons who may vote in other polling divisions than those they belong to

tificate from the secretary-treasurer of the municipality that he is a qualified voter within the same, and the deputy returning officer shall attach such certificate to the voters' list. No. 8 of 1897, s. 35.

Close of poll

**40.** Immediately after the close of the poll the deputy returning officer shall in the presence of the poll clerk, if there be one, and such of the candidates with their agents (of whom there shall not be more than two for any candidate) as may be present, open the ballot box and proceed as follows :

1. He shall examine the ballot papers and reject all those on the back of which his initials are not found or on which more votes are given than the elector is entitled to give or on which anything appears by which the voter can be identified and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all candidates for the said office;

2. Take a note of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide on any question arising out of the objection;

3. Number such objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed" as the case may be, with his initials;

4. Count the votes given for each candidate from the ballot papers not rejected, and make a written statement of the number of votes given to each candidate and of the number of ballot papers rejected and not counted by him, which statement shall be then signed by him and such other persons authorised to be present, as may desire to sign the same;

5. The deputy returning officer shall then certify under his own hand in full words on the voters' list the total number of persons who have voted at the polling place at which he is appointed and make up into separate packets—

- (a) The statement of votes given for each candidate and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to but which have been counted;
- (c) The ballot papers which have been objected to but which have been counted;
- (d) The rejected ballot papers;
- (e) The declined and cancelled ballot papers;
- (f) The voters' list and, if any, the defaulters' list;

which packets, closed up and sealed with his own seal and with the seals of any persons present desiring to affix their seals thereto and marked on the outside with a memorandum designating their respective contents, shall by the deputy returning officer be transmitted forthwith to the returning officer;

6. Before returning the said poll book to the returning officer the deputy returning officer shall make and subscribe before



such returning officer or a justice of the peace or the poll clerk an affidavit in the form following this sub section; which affidavit shall thereafter be annexed to the poll book and such poll book and declaration may be inspected at any time in the presence of the returning officer by any elector of the municipality :

I *C.D.* the undersigned, deputy returning officer for ward (or polling subdivision) No.        of the town (or rural municipality *as the case may be*) of        do swear (or *if he is a person permitted by law to affirm* do affirm) that to the best of my knowledge the poll book used in and for the said ward (or polling subdivision) No.        of the said town (or rural municipality *as the case may be*) of        was so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

|   |   |   |
|---|---|---|
| Sworn (or affirmed) before me           | { | <i>C.D.</i> ,<br>Deputy Returning<br>Officer. |
| at                    , this        day |   |   |
| of                    , A.D. 1          |   |   |
| X.Y.,                                   |   |   |
| Justice of the Peace.                   |   |   |

Or

Returning officer of the town (or rural municipality *as the case may be*) of

7. Every deputy returning officer upon being requested to do so, shall give to the persons authorised to attend at his polling place, a certificate showing the total number of votes cast at his polling place for each candidate and the number of rejected ballot papers. No. 8 of 1897, s. 36; No. 26 of 1898, s. 1 (10, 11).

**41.** At the time and place fixed for declaring the result of the election the returning officer shall open the packet containing the statement of the number of votes given for each candidate and shall publicly declare elected the candidate or candidates as hereinafter provided and shall deliver or forward to each candidate a certificate of his election showing the total number of votes cast for each candidate and those declared elected by him —

1. As mayor or reeve for the ensuing year, the candidate receiving the highest number of votes;

2. As councillors, at the first election the three candidates in town municipalities and the two candidates in rural municipalities who have received the highest number of votes shall be declared elected for the two years next ensuing and the three candidates in town municipalities and the two candidates in rural municipalities who have received the next highest number of votes shall be declared elected for the next ensuing year and at each election thereafter the councillors receiving the highest number of votes shall be declared elected for a term of two years.

(2) In case it appears that two or more of the candidates have an equal number of votes the returning officer shall at

the time he declares the result of the poll give a vote for one or more of such candidates so as to decide the election and except in such case the returning officer shall not vote. No. 8 of 1897, s. 37.

Disposal of  
ballot boxes

**42.** After the election the ballot boxes, packets and returns shall be transmitted to the secretary-treasurer of the municipality and the secretary-treasurer shall be responsible for their safe keeping and for their delivery when required. No. 8 of 1897, s. 38.

Destruction  
of ballots

**43.** The secretary-treasurer of the municipality having retained for three months all ballot and other papers transmitted to him as aforesaid shall then destroy the same unless otherwise ordered by the Supreme Court or a judge thereof. No. 8 of 1897, s. 39 ; No. 26 of 1898, s. 1 (12).

Returning  
officer

**44.** The secretary-treasurer of the municipality shall, unless otherwise directed by bylaw of the council, be returning officer of the municipality ; and any returning officer may exercise and perform the powers and duties of a deputy returning officer at any one polling place in the municipality to be selected by such returning officer or as directed by the council. No. 8 of 1897, s. 40.

Ballots may  
not be  
inspected

**45.** No person shall be allowed to inspect any ballot papers or other documents or papers other than the voters' list used at an election, in the hands of the secretary-treasurer, except under the order of the court or judge as aforesaid which order shall state the time and place for inspecting such papers and name the persons to be present thereat. No. 8 of 1897, s. 41.

Expenses

**46.** All reasonable expenses incurred at any election under this Ordinance shall be paid by the municipality upon production of accounts verified as the council of said municipality may direct. No. 8 of 1897, s. 42.

#### ELECTION OF SCHOOL TRUSTEES.

School trustees  
elected at  
same time

**47.** The board of school trustees of a city or town school district shall give notice to the secretary-treasurer of the municipality on or before the fifteenth day of November of each year of the number of vacancies required to be filled to make the school board complete and the election to fill such vacancies shall be held on the same day and in the same manner as the election of municipal councillors except as to qualification to vote which shall be as provided for in the Ordinance respecting schools. No. 8 of 1897, s. 43.

Proceedings  
the same

**48.** In every case in which notice is given as provided in the next preceding section the nomination and election of school trustee, shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as municipal nominations and elections of councillors and the provisions of this Ordinance respecting the time for opening and closing the poll, the mode of voting, corrupt or

improper practices, vacancies and declarations of office shall *mutatis mutandis* apply to the election of school trustees. No. 8 of 1897, s. 44.

**49.** In the list of qualified voters to be delivered to the returning officer by the secretary-treasurer of the municipality before the opening of the poll, the secretary-treasurer shall place opposite the names of any persons on the said list, who have requested him in writing to place them as supporters of separate schools, the letters "S.S.S." and the returning officer shall not deliver to any such person a ballot paper for public school trustees where there exist separate schools in such municipality. No. 8 of 1897, s. 45. Separate school supporters

**50.** In case any objection is made to the right of any person to vote at any election of school trustees the returning officer shall require the person whose right of voting is objected to, to make the oath or affirmation required by section 29 of this Ordinance. No. 8 of 1897, s. 46. Voter if objected to make oath

**51.** A separate set of ballot papers shall be prepared by the secretary-treasurer of the municipality containing the names of the candidates nominated for school trustees, of the same form as those used for councillors except the substitution of the words "school trustee" for the word "councillor" on said ballot paper. No. 8 of 1897, s. 47. Ballots for election of trustees

**52.** The annual statements of the trustees and treasurer of city and town school districts, required by *The School Ordinance* shall be given at the same time and place as may be appointed for the mayor and council to make their report to the citizens of the municipality. No. 8 of 1897, s. 48. Annual statement of trustees

**53.** None of the provisions contained in the six preceding sections shall apply to school districts whose limits do not coincide with the limits of the municipality. No. 8 of 1897, s. 49. Clauses applicable only to town districts

#### CORRUPT PRACTICES.

**54.** The following persons shall be deemed guilty of bribery and shall be punished accordingly: Corrupt practices

1. Every person who directly or indirectly by himself or by any other person in his behalf gives, lends, or agrees to give or lend, or offers or promises money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises any office, place or employment to or for any voter or to or for any person or behalf of any voter or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election or upon a bylaw for raising money or creating a debt upon a municipality or part of a municipality for any purpose whatever or who corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at such election or upon such bylaw ;

Corrupt  
practices

2. Every person who directly or indirectly by himself or by any other person in his behalf makes any gift, loan, offer, promise or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in any municipal council or to procure the passing of any bylaw as aforesaid or the vote of any voter at a municipal election or for such bylaw ;

3. Every person who by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person in the municipal election or to procure the passing of any bylaw as aforesaid or the vote of any voter at a municipal election or for such bylaw ;

4. Every person who advances or pays or causes to be paid money to or for the use of any person with the intent that such money or any part thereof shall be expended in bribery at a municipal election or at any voting upon a bylaw as aforesaid or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at such election or at the voting on such bylaw ;

5. Every voter who before or during a municipal election or the voting on such bylaw directly or indirectly by himself or any other person in his behalf receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or refraining or agreeing to refrain from voting at such election or upon such bylaw ;

6. Every person who after such election or the voting upon any such bylaw directly or indirectly by himself or any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election or upon any such bylaw ;

7. Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying electors to or from the polls and every person who receives pay for the use of any horse, teams, carriages or vehicles for the purpose of conveying any electors to or from any polls as aforesaid ;

8. Every person who directly or indirectly by himself or by any other person on his behalf makes use of or threatens to make use of any force, violence or restraint or inflicts or threatens the infliction by himself or by or through any other person of any injury, damage or loss or in any manner practises intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter shall be deemed to be guilty of undue influence and be subject to the penalty hereinafter mentioned. No. 8 of 1897, s. 57.

Lawful  
expenses

**55.** The actual personal expenses of a candidate, his expenses

for actual professional services performed and *bona fide* payments for the fair cost of printing and advertising shall be held to be the expenses lawfully incurred and the payment thereof shall not be a contravention of this Ordinance. No. 8 of 1897, s. 58.

#### CONTROVERTED ELECTIONS.

**56.** If within six weeks after the election or one month after the acceptance of office by the person elected a relator shows by affidavit to any such judge reasonable grounds for supposing that the election was not legal or was not conducted according to law or that the person elected thereat was not duly elected or was guilty of bribery or undue influence and if the relator either deposits with the clerk of the court \$200 or enters into a bond in the sum of \$200 with two sureties, to be allowed as sufficient by the judge upon affidavit of justification, in the sum of \$100 each, conditioned to prosecute the writ with effect or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters complained of. No. 8 of 1897, s. 67; No. 26 of 1898, s. 1 (15). Institution of proceedings

**57.** In case the relator alleges that he himself or some other person has been duly elected the writ shall be to try the validity both of the election complained of and the alleged election of the relator or other person. No. 8 of 1897, s. 68. Investigation of election of relator

**58.** In case the grounds of objection apply equally to two or more persons elected the relator may proceed by one writ against such persons. No. 8 of 1897, s. 69. Writ may apply to elections of two persons

**59.** When more writs than one are brought to try the validity of an election or the validity of the election of more than one person the judge may give one judgment upon all or a separate judgment upon each or more of them as he thinks fit. No. 8 of 1897, s. 70; No. 26 of 1898, s. 1 (16). Judgment on one or more writs

**60.** The writs shall be issued by the clerk of the Supreme Court and shall be returnable before the judge in chambers at a place named in the writ upon the eighth day after service computed exclusively of the day of service or upon any later day named in the writ. No. 8 of 1897, s. 71. Issue and return of writ

**61.** The writ shall be served personally unless the party to be served keeps out of the way to avoid personal service in which case the judge upon being satisfied thereof by affidavit or otherwise may make an order for such substitutional service as he thinks fit. No. 8 of 1897, s. 72. Personal service

**62.** The judge before whom the writ is made returnable or is returned may if he thinks proper order the issue of a writ of summons at any stage of the proceedings to make the returning officer or any deputy returning officer a party thereto. No. 8 of 1897, s. 73. Returning officer or deputy may be a party

## Intervention

**63.** The judge before whom the writ is returned may allow any person entitled to be a relator to intervene and prosecute and may grant a reasonable time for the purpose and any intervening party shall be liable or entitled to costs like any other party to the proceedings. No. 8 of 1897, s. 74.

## Powers of judge

**64.** The judge shall in a summary manner upon statement and answer without formal pleadings hear and determine the validity of the election and may by order cause the assessment rolls, tax roll, voters' list and any other records of the election to be brought before him and may inquire into the facts on affidavit or by oral testimony. No. 8 of 1897, s. 75.

## Disqualification of candidate

**65.** Any candidate elected at any municipal election who shall be found guilty of any act of bribery or using undue influence shall forfeit his seat and shall be rendered ineligible as a candidate at any municipal election for two years thereafter. No. 8 of 1897, s. 59.

## Penalty

**66.** Any person who is adjudged guilty of bribery shall incur a penalty of \$25 and shall be disqualified from voting at any municipal election or upon a bylaw for the next succeeding two years. No. 8 of 1897, s. 60.

## Recovery of penalty

**67.** The penalties imposed by the preceding section shall be recoverable with full costs of suit by any person who sues for the same in the Supreme Court in the judicial district in which the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or a municipal voter until the amount which he has been condemned to pay is fully paid and satisfied. No. 8 of 1897, s. 61.

## Report of judge

**68.** It shall be the duty of the judge who finds any candidate guilty of a contravention of section 54 of this Ordinance or who condemns any person to pay any sum for any offence against the said section to report the same forthwith to the secretary treasurer of the municipality wherein the offence has been committed. No. 8 of 1897, s. 62; No. 26 of 1898, s. 1 (14).

## List of persons disqualified

**69.** The secretary treasurer of every municipality shall duly enter in a book to be kept for that purpose the names of all persons within his municipality who have been adjudged guilty of any offence as aforesaid and of which he has been notified as aforesaid. No. 8 of 1897, s. 63.

## Witness fees

**70.** Any witness shall be bound to attend before the judge of the Supreme Court before whom the complaint is made upon being served with the order of the judge directing his attendance or his attendance with documents and upon payment of the same fees as are paid in civil cases for his attendance or his attendance with documents in the same manner as if he had been directed by a writ of subpoena or a subpoena *duces tecum* so to attend and he may be punished for contempt and

shall be liable to all the penalties for such nonattendance in the same manner as if he had been served with a writ of subpoena or a writ of subpoena *duces tecum*. No. 8 of 1897, s. 64.

**71.** All proceedings other than application in the nature of a *quo warranto* against any person for any violation of section 54 of this Ordinance shall be commenced within thirty days after the municipal election at which the offence is said to have been committed or within thirty days after the day of voting upon a bylaw as aforesaid. No. 8 of 1897, s. 65. Limitation of time for proceedings

**72.** In case the validity of the election of mayor, reeve or councillor is contested the same may be tried by a judge in chambers and any candidate at the election or any elector of the municipality may be the relator for the purpose. No. 8 of 1897, s. 66. Trial in chambers  
Relator

**73.** In case the election complained of is adjudged invalid the judge shall forthwith by writ cause the person found not to have been duly elected to be removed and in case the judge determines that any other person was duly elected the judge shall forthwith order a writ to issue causing such other person to be admitted and in case the judge determines that no other person was duly elected instead of the person removed the judge shall by the writ cause a new election to be held. No. 8 of 1897, s. 76. New election if election invalid

**74.** In case the election of all the members of a council be adjudged invalid the writ for their removal and for the election of new members in their place or for the admission of others adjudged legally elected and an election to fill up the remaining seats in the council shall be directed to the sheriff of the judicial district in which the election took place and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein. No. 8 of 1897, s. 77. Writ directed to sheriff  
Powers of Sheriff

**75.** Any person whose election is complained of may unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit postpaid through the post office directed to the clerk of the judicial district who issued the writ or may cause to be delivered to such clerk, a disclaimer signed by him to the effect following : Disclaimer

I, *A.B.*, upon whom a writ of summons in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of councillor for the municipality of \_\_\_\_\_ do hereby disclaim the said office and all defence of any right I may have to the same.

Dated

day of

(Signature)

*A.B.*

No. 8 of 1897, s. 78.

- Indorsement**     **76.** Such disclaimer or the envelope containing the same shall be indorsed on the outside thereof with the word "disclaimer" and be registered at the post office where mailed. No. 80 of 1897, s. 79.
- Service of disclaimer**     **77.** Where there has been a contested election the person elected may at any time after the election and before his election is complained of deliver to the secretary treasurer of the municipality a disclaimer signed by him as follows:  
     I, A. B., do hereby disclaim all rights to the office of councillor for the municipality of \_\_\_\_\_, and all defence of any right that I may have to the same. No. 8 of 1897, s. 80.
- Effect of disclaimer**     **78.** Where a disclaimer has been made in accordance with the preceding sections it shall operate as a resignation and the candidate having the next highest number of votes shall then become the councillor or other officer as the case may be. No. 8 of 1897, s. 81; No. 26 of 1898, s. 1 (17).
- Notification to council**     **79.** The secretary treasurer of the council shall forthwith communicate the same to the council. No. 8 of 1897, s. 82.
- Costs**     **80.** No costs shall be awarded against any person duly disclaiming unless the judge is satisfied that such party consented to his nomination as a candidate or accepted the office in which case the costs shall be in the discretion of the judge. In all cases not otherwise provided for costs shall be in the discretion of the judge. No. 8 of 1897, s. 83.
- Decision final**     **81.** The decision of the judge shall be final and he shall immediately after his judgment return the writ and judgment with all things had before him touching the same, except such as he may otherwise order, into the court from which the writ issued, there to remain of record as a judgment of the said court and he shall as occasion requires enforce such judgment by writ in the nature of a writ of peremptory *mandamus* and by writs of execution for the costs awarded. No. 8 of 1897, s. 84.
- Enforcement of judgment**
- Rules of court**     **82.** The judges of the Supreme Court sitting *en banc* or a majority of them may by rules settle the forms of the writs of execution, certiorari, mandamus and execution under this Ordinance and may regulate the practice respecting the suing out, service and execution of such writs and the punishment for disobeying the same or any other writ or order of the court or judge and respecting the practice generally in hearing and determining the validity of such elections or appointments and provide a tariff of costs thereon and may from time to time rescind, alter or add to such rules, but all existing rules shall remain in force until rescinded or altered as aforesaid. No. 8 of 1897, s. 85.
- Forms and costs**



## Part II.

### Councils.

#### DUTIES AND POWERS.

**83.** The first meeting of the council elected shall be held on First meeting the first Monday in January in each year except when such Monday is a public holiday in which case the meeting shall take place on the next subsequent day not a public holiday and the council of the previous year shall hold office up to the first meeting of the new council notwithstanding the fiscal year expires on the thirty-first day of December in each year and in case of neglect or refusal of the electors in a municipality to elect a council as hereinbefore provided until a new council is appointed under the provisions of this Ordinance. Council to hold office till successors elected No. 8 of 1897, s. 86.

**84.** A majority of the council shall be a quorum at any Quorum meeting but when the council consists of only five members the concurrent votes of at least three shall be necessary to carry any resolution or other measure. No. 8 of 1897, s. 87.

**85.** Every municipality shall have jurisdiction over all high- Jurisdiction over ways within the same and the Lieutenant Governor in Council may give a municipality jurisdiction over any highway, bridge or stream dividing municipalities or adjacent thereto when not dividing municipalities and may determine what portion of highway, bridge or stream dividing municipalities shall be within the jurisdiction of each. No. 8 of 1897, s. 88; No. 26 of 1898, s. 1 (18). highways, bridges and streams

**86.** Whenever a municipality acquires by purchase, donation Cemeteries or otherwise any plot of land for cemetery purposes outside of the limits of the municipality the provisions of *The Cemetery Ordinance* shall apply *mutatis mutandis* to the said municipality and the council may pass bylaws for raising money for improving, caring for and beautifying such land. No. 8 of 1897, s. 89

**87.** Every municipality shall keep in repair all sidewalks, Certain works to be kept in repair crossings, sewers, culverts and approaches, grades and other works made or done by its council and on default so to keep in repair shall be responsible for all damages sustained by any person by reason of such default but the action must be brought within six months after the damages have been sustained. No. 8 of 1897, s. 90.

**88.** Municipalities may control and license ferries and Control of ferries and bridges bridges erected or authorised by them within their jurisdiction and pass bylaws allowing the collection of tolls thereon for periods not exceeding five years. No. 8 of 1897, s. 91.

May make  
bylaws for  
government  
of proceedings

**89.** Every council may make regulations and bylaws not provided for by this Ordinance and not contrary to law for governing its proceedings, calling meetings, the conduct of its members, appointing committees, and generally such regulations as the good of the municipality may require and may repeal, alter and amend its own bylaws except where bylaws are made for the purpose of raising money, levying assessments or striking rates. No. 8 of 1897, s. 92.

Councillors'  
indemnity

**90.** Every council may pass a bylaw for paying the members thereof, which shall in no case exceed the sum of \$1.50 per day and ten cents for every mile necessarily travelled coming to and returning from the business of the council:

Number of  
meetings

Provided that the number of days for which each councillor shall be paid during the year for which he is elected shall not exceed 12. No. 8 of 1897, s. 93.

Duration of  
office of  
employees

**91.** All municipal officers shall hold office until removed by the council, or as expressed in their appointments. No. 8 of 1897, s. 94; No. 26 of 1898, s. 1 (19).

No  
appointment  
by tender

**92.** No municipal council shall make any appointment to office or arrangement for the discharge of the duties thereof by tender or to applicants at the lowest remuneration. No. 8 of 1897, s. 95.

Duties of  
officers  
Security

**93.** The municipal council in addition to defining the duties of its officers shall exact security from the secretary-treasurer and such other officers as they may determine for the faithful performance of their duties and it shall be the duty of every council at its first meeting or within a reasonable time thereafter to examine and renew the securities given by its officers. No. 8 of 1897, s. 96.

Liabilities  
of officers

**94.** Municipal officers shall be liable for their acts and for damage arising from their refusal or neglect to discharge their duties to the municipality in addition to penalties imposed for violation of any of the provisions of this Ordinance. No. 8 of 1897, s. 97.

#### BYLAWS.

Bylaws

**95.** The council of every municipality may pass bylaws for:

Raising  
revenue

1. The raising of its revenue by assessment on real and personal property and income; authorising the chairman and the treasurer to borrow from any person or bank or corporation, such sum of money as may be required to meet the expenditure of the municipality until such time as the taxes levied therein can be collected; but such sum of money so borrowed shall not exceed the estimated revenue of the municipality of the then current year and the collection and expenditure of the same.

Prevention  
of cruelty

2. The prevention of cruelty to animals not being inconsistent with any statute or Ordinance in that behalf;

3. Granting aid to agricultural societies ; Agricultural societies
4. The prevention or removal of abuses prejudicial to agriculture not otherwise provided for by law ; Prevention of abuses
5. The relief of the poor ; Poor relief
6. Appointing policemen, watchmen and patrols and regulating and defining their duties and their remuneration ; Police
7. Providing for the health of the municipality and against the spreading of contagious or infectious diseases ; Public health
8. Appointing and defining duties of a board of health, health officers, and scavengers ; Health officers  
Scavenging
9. The encouragement of the planting of trees on prairie lands or highways or other public places and remuneration for the same by commutation of statute labour or otherwise, and providing for the protection thereof ; Planting trees
10. Taking the census of the municipality ; Census
11. Appointing such officials under such names as the council may deem necessary for the carrying out of the work of the corporation defining their duties and providing for their remuneration ; Appointing officials
12. Entering upon and taking and using and acquiring so much real property as may be required for highways, roads, streets, bridges, alleys and byways in the municipality without the consent of the owners of such real property and without the consent of the owners taking and acquiring for the purpose of preventing the operation of any and all such coal mines and coal pits within, upon or under any portion of the limits of the municipality (being a town) as in the opinion of the municipal council injuriously affect or endanger property within the limits of the municipality making due compensation therefor to the parties entitled thereto ; and such compensation may be determined by arbitration under the provisions of this Ordinance where a mutual agreement is not possible ; Expropriating land
13. Laying out, constructing, repairing and maintaining highways, roads, streets, bridges, alleys and byways ; Public works
14. The erection of halls, lockups, weigh houses, markets and such buildings as may be beneficial to the municipality and to expropriate lands therefor ; Public buildings
15. The establishment and regulation of public markets and imposition of penalties for light weights, short measurement and any breach of contract in public markets and restraining or preventing selling on the streets ; Public markets  
Selling on streets
16. Establishing municipal scales for weighing or measuring and compelling the weighing or measuring thereon or thereby of anything sold by weight or measurement in the public market and establishing or regulating the fees to be paid for weighing or measuring on such scales and compelling dealers in coal to weigh upon such scales all coal sold by them if requested to do so by the purchaser ; Public scales
17. Purchasing, controlling, erecting or establishing parks ; Parks

Public wells 18. Making and regulating the use of public wells, cisterns and reservoirs ;

Regulating public buildings 19. Regulating the size and number and construction of doors in churches, theatres and halls or other places of public worship, public meetings or places of amusement and the street gates leading thereto and also the size and structure of stairs and stair railings in all such buildings and the strength of beams and joists and their supports ;

Drainage 20. Controlling and constructing sewers, drains and ditches and regulating and preventing the obstruction of the same ;  
Sidewalks building and repairing sidewalks, preventing the leading, riding or driving of cattle or horses thereon or the riding on bicycles or tricycles thereon and compelling persons to remove and clear away all snow, ice and dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them ; and also to provide for the cleaning of sidewalks adjoining vacant property of nonresidents and the property of any other persons who for twenty-four hours neglect to clean the same and in case of nonpayment of the expenses thereof by the owner or occupant, charging the same against the property as a special assessment to be recovered in like manner with the other taxes ;

Laying down pipes 21. Authorising any corporate gas or water or gas and water company to lay down pipes or conduits for the conveyance of gas or water or both under streets, squares and other public places subject to such regulations as the council may make ;

Water supply 22. Contracting with any water works or water company  
Fire protection for a supply of water within the municipality for fire purposes and other public uses for hydrants or otherwise as may be deemed advisable and for the renting of any such hydrants for any number of years not in the first instance exceeding ten and renewing any such contract from time to time for such period not exceeding ten years as such council may desire and every such council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid and also to erect the same ; and purchasing or renting for a term of years or otherwise fire apparatus of any kind and fire appliances and appurtenances belonging thereto respectively ;

Abatement of nuisances 23. Compelling the removal of dirt, filth, dust or rubbish, off the highways, streets, lanes, alleys or byways by the party depositing the same or by the owner or occupant before whose property it is or in default removing the same at his expense ; compelling the removal of anything deemed dangerous to the lives of the inhabitants ; preventing and regulating the construction of privy vaults and water closets and providing for keeping the same in a proper state of cleanliness and repair ; preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ; and preventing and abating nuisances generally ;

Preventing incumbering of streets 24. Preventing the incumbering of streets or other public places by vehicles, agricultural implements, lumber and other articles :

25. Regulating the rate or pace of riding or driving within the municipality or any part thereof ; Regulating driving on streets
26. Regulating the keeping and transporting of gunpowder and other combustible or dangerous materials ; Storage of gunpowder, etc.
27. Preventing the defacing of private or other property by printed or other notices ; Preventing defacement of buildings
28. Regulating the rate or pace of riding or driving on bridges ; Regulating driving on bridges
29. Licensing, regulating and governing all persons who keep or have in their possession or on their premises any billiard, pool or bagatelle table in a place of public entertainment whether such table be used or not and for fixing the sum to be paid for a license for each such table and the time such license shall be in full force. Licensing gaming tables
30. Preventing or regulating and licensing exhibitors of wax works, menageries, circuses, shows, theatres, caravans and for requiring the payment of license fees for authorising the same not exceeding \$500 per day and for imposing fines on persons for infringing such bylaws to the amount of \$50 over and above the amount of the license fee, and such fine and costs and fee may be levied by sale of the goods of the showman or the goods belonging to or used in connection with the show or exhibition whether owned by the showman or not and in addition the offender may be imprisoned for six months ; Licensing shows, etc.
31. Preventing or regulating and licensing exhibitions held or kept for hire or profit, halls, opera houses, bowling alleys and other places of amusement ; Licensing places of amusement
32. Licensing, regulating and governing hawkers, pedlers or petty chapmen and other persons carrying on petty trades or who go from place to place or to other men's houses on foot or with any animal bearing or drawing any goods, wares or merchandise for sale or for fixing the sum to be paid for a license for exercising such calling within the municipality and the time it shall be in force ; Licensing hawkers
33. Controlling, regulating and licensing livery, feed and sale stables, telegraph and telephone companies, telegraph and telephone offices, insurance companies, offices and agents, real estate dealers and agents, intelligence offices or employment offices or agents, butcher shops or stalls, skating, roller or curling rinks, and all other business industries or callings carried on or to be carried on within the municipality or commercial travellers or other persons selling goods, wares, merchandise or other effects of any kind whatsoever or offering the same for sale by sample cards, specimens or otherwise, for or on account of any merchant, manufacturer or other person selling directly to the consumer, not having his principal place of business in the municipality, and collecting license for the same ; Licensing business, etc.
34. Licensing porters, water dealers, milk dealers or carriers or common carriers, draymen, hackmen, omnibus drivers and guides and regulating the same ; Licensing porters, etc.

- (a) And for fixing the sum to be paid for license for exercising any or all such callings within the municipality and the time the license shall be in force ;
- (b) The power hereinbefore contained to license and regulate porters, water dealers, carriers, draymen, hackmen, omnibuses and guides shall extend to and include all those who carry on business as such partly within and partly without the municipality or who carry or convey goods or persons from any place outside the municipality to any place with the same or from within such municipality to any place beyond the limits thereof ;

|   |  |
|---|--|
| Restraining dogs  | 35. Restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large ;   |
| Regulating assize of bread                                  | 36. Regulating the assize of bread and preventing the use of deleterious materials in making bread and providing for the seizure and forfeiture of bread made contrary thereto ;   |
| Rebating taxation   | 37. Allowing a rebate on all taxes paid before a time to be named in the bylaw ; such rebate shall not exceed ten per cent. and the time fixed by the bylaw shall not be less than thirty days from the passage of the bylaw :   |
| Exempting from taxation                                     | 38. Exemption from taxation for the then current year ;  |
|   | 39. Exemption from taxation for a longer period than one year subject to ratification as hereinafter provided ;  |
| Bonusing manufactories                                      | 40. Granting bonuses to manufactories, mills, railways or any works of a public nature subject to ratification by the rate-payers as hereinafter provided ;  |
| Operating industries  | 41. Building, owning or operating grist mills elevators and manufacturing establishments, subscribing for stock therein subject to ratification as hereinafter provided ;  |
| Fire department   | 42. Establishing a fire department, appointing the officers thereof regulating and providing their remuneration and prescribing their duties ;   |
| Fire protection   | 43. Providing protection from fire by the purchase of engines and equipment ;  |
| Compelling assistance in putting out fire, razing buildings | 44. Compelling the inhabitants to assist and aid in the extinguishment of fires ; pulling down and razing buildings in the vicinity of fires for the purpose of preventing the spreading of the same ;   |
| Fire districts  | 45. Regulating fire districts ;  |
| Regulating erection of wooden buildings, etc.               | 46. Regulating the erection and repair of buildings and preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the municipality and prohibiting the erection or placing of buildings other than with main walls of brick, iron, concrete or stone and roofing of incombustible material within defined areas of the municipality and regulating the construction of chimneys as to dimensions and otherwise and enforcing the proper cleaning of the same and authorising the pulling down or removal at the |
| Chimneys  |  |
| Removal of  |  |

expense of the owner thereof of any building or erection which may be constructed or placed in contravention of any bylaw ; improper buildings

47. Generally establishing such measures as the safety and welfare of the municipality may require for the prevention and extinguishment of fires ; Prevention of fires

48. Compromising upon such terms as may be agreed upon for the payment of arrears of taxes ; Compromising arrears of taxes

49. Compelling the destruction of noxious weeds and plants by the owner or occupant of the premises upon which the same may be grown or standing or in default destroying or removing the same and charging the expenses so incurred as taxes against such premises for the current year ; Destruction of noxious weeds

50. The purchase or otherwise acquiring and holding any lands situated outside the limits of the municipality which may be required for a nuisance ground for the purpose of disposing of the sewage and other refuse of such municipality ; Purchase of nuisance ground

51. Generally to make and establish all such bylaws for the government and good order of the municipality and the suppression of vice and immorality, protection of property and the promotion of health not inconsistent with the law ; Government of municipality

52. Investing any part of the monies held by them to the credit of a sinking fund account (which cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable) from time to time in Dominion Government securities, school or municipal debentures of any school or municipality in the North-West Territories provided that such debentures mature before the date on which the debt for which the said sinking fund exists is due and payable ; Investment of sinking fund

53. On receipt of a petition signed by the majority of the ratepayers of any registered townsite situate within any municipality, prohibiting the discharge of firearms within a portion or all of the area covered by said townsite. Use of firearms

54. On presentation of a duly certified petition representing one half of the resident ratepayers of any municipality or portion of a municipality regulating the time after which children shall not be in the streets within the limits represented by the said petitioners, at nightfall without proper guardianship and the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hour appointed and such municipal council shall in each case cause a bell or bells to be rung at or near the time appointed as a warning to be called a "curfew bell" after which the children so required to be in their homes or off the streets shall not be upon the public streets except under proper control or guardianship or for some unavoidable cause ; and for providing a penalty for any child so found in the public streets contrary to the above regulations and the parent or guardian of any child who after being duly warned in writing permits his child to be on the public streets contrary to said regulations ; Preventing children being on streets at nightfall

55. The erection and regulation of hospitals or granting aid to same ; Hospitals

Preventing  
pollution of  
water supply

56. Preventing the putting of anything prejudicial to health in any stream or any body of water within the municipality or from which water is supplied for any purpose ;

Regulating  
burial of dead

57. Preventing the burial of the dead within the municipality ;

Electric and  
other works

58. Building, erecting or buying or leasing, controlling and operating telephone plant, electric light and power plant, gas and waterworks plant or purchasing stock in any incorporated company carrying on or formed for the purpose of carrying on any of the said businesses subject to the ratification of the ratepayers ;

(a) For all purposes connected with the carrying on of any of the above works the municipality is hereby authorised to purchase any lands either within or without the municipality and to enter into any contract necessary for the proper carrying on of said businesses and generally to conduct said works and businesses arising in connection therewith either by the council or by commissioners or agents appointed for the purpose as fully and freely and with all the powers and rights they would have if specially incorporated for the purpose of carrying on said business ;

(b) In case the municipality engage in any of the businesses heretofore referred to the council shall have power to appoint by bylaw commissioners for the purpose of carrying on such businesses or any of them and all necessary contracts in connection therewith may be done and performed in the name of the said commissioners who shall be called "electric light commissioners," "telephone commissioners" or as the case may be and by that name shall have all the powers for properly carrying on the business which are herein granted to the municipality ;

Licensing  
pawnshops

59. Licensing and regulating pawnshops, junk stores or shops and second hand stores or shops and fixing the amount to be paid for license for the same and the time such license shall be in force ;

Licensing  
scavengers,  
etc.

60. Regulating and licensing scavengers and billposters and preventing the pulling down or defacing of signboards or written or printed notices lawfully affixed ;

Removal of  
obstructions

61. Directing the removal of doorsteps, porches, railings or other erections or obstructions projecting into or over any sidewalk, street or other public place at the expense of the proprietor of the property connected with which such projections are found and assessing said expense if not paid against said lot or property ;

Regulating  
railways

62. Sanctioning and permitting the track of any railroad, street railway or tramway to be laid in, on or along any street or avenue of the municipality and to provide compensation for any damage that may be done to the property on said streets



or avenues ; the amount of said damage if any to be settled in the manner provided herein in regard to the expropriation of land ; and to regulate the use of locomotive engines and of steam or other motor power on any or every portion of any railroad within the municipality and to provide and regulate the speed of cars upon any and every part of any railroad within the municipality and to impose a penalty not exceeding \$500 for any breach of such bylaw ;

63. Subject to the provisions of any act of the Parliament of Canada respecting railways, regulating the rate of speed of <sup>Regulating railway train</sup> railway trains and engines along or across any of the streets or avenues of the municipality and preventing the obstructing of any streets or avenues by leaving, keeping or allowing to stand thereon any engine, train, car or cars or truck for a longer period than five minutes at a time and preventing the loading or unloading of any car or truck along side or from any street crossing or sidewalk in the municipality and blowing of whistles or ringing of bells while the engine is going along or across any street or avenue except under conditions mentioned in such bylaw and imposing a penalty for breach of such bylaw not exceeding \$500 ;

(a) In any proceedings taken for infraction of bylaws <sup>Procedure</sup> passed under the two preceding subsections service of necessary documents upon any resident employee of the railroad shall be good service upon the owners of the railroad and both the owners of the railroad and the persons in charge of the engine, car, truck or train shall be liable for the penalty provided in the bylaw and proceedings may be taken against either or both.

64. Regulating the sale of any articles used for food or drink <sup>Regulating sale of food</sup> and providing for inspection of same and for seizure and forfeiture of articles offered or exposed for sale contrary thereto ;

65. Authorising the mayor and secretary-treasurer to sign <sup>Contracts for light or water</sup> any contract with any person or corporation to supply light or water for the use of the corporation for any period not exceeding five years ;

66. Appointing street and building inspectors and providing their duties and for providing for the summary removal of any <sup>Removal dangerous buildings</sup> pole or wire or other obstruction from the street or for the pulling down or removal or closing to the use of the public of any building or other erection within the municipality which shall be deemed dangerous by such inspectors ;

67. Constructing through, over and above lands lying beyond <sup>Drainage</sup> or outside of the limits of the municipality such drains and sewers as may be deemed expedient to secure the proper drainage of said municipality and the disposal of the sewage thereof ;

68. Naming or numbering the streets or avenues and changing the name and numbers or any of them of streets and <sup>Naming streets</sup> avenues now existing or hereafter laid out within the municipality ;

- Fire walls 69. Authorising the building of fire walls and granting bonuses for the same ;
- Industrial farms, parks, exhibition grounds, etc. 70. Acquiring any estate in landed property within or without the town for an industrial farm or for a public park, garden or walk or for a place for exhibitions and for the disposal thereof when no longer required for the purpose or when the council of the town may deem it advisable to dispose of the same ; and for accepting and taking charge of landed property within or without the town dedicated for a public park, garden or walk for the use of the inhabitants of the town ;
- Erecting buildings, etc. 71. The erection of buildings and fences for the purpose of the farm, garden, walk or place for exhibitions as the council deems necessary ;
- Management of parks, etc. 72. The management of the farm, park, garden, walk or place for exhibitions and buildings ;
- Issuing debentures to aid railways 73. Upon a petition of at least three-fourths in number of the resident ratepayers entitled to vote on bylaws requiring the assent of the electors and subject to ratification by a vote of the electors as in the case of such bylaw, to subscribe for any number of shares in the capital stock of any incorporated railway or street railway in the construction or maintenance or operation of which in, through or near the municipality, the municipality is in the opinion of the municipal council interested ; and for issuing for the purpose debentures payable at such times and for such sums respectively not less than \$20 and bearing interest as the municipal council thinks meet, being not more than eight per cent. ;
- Closing of shops 74. The enforcement of closing at any specified hour of all wholesale and retail shops, stores or other places where any mercantile business is carried on, provided the council is requested to do so by a petition signed by three-quarters of the ratepayers of the municipality who are engaged in any such line of business ;
- Restraining running at large of animals 75. Restraining and regulating the running at large or trespassing of any animals and for providing for distraining and impounding them and for determining the compensation to be allowed for carrying out the provisions of such by-law and for services rendered in respect to and sustenance supplied for animals distrained or impounded ; for appointing pound keepers and providing sufficient yards, buildings and enclosures for the safe keeping of such animals as it may be the duty of the pound keeper to impound ; for appraising the damages to be paid by the owners of animals impounded for trespassing and (subject to the provisions hereinafter referred to) for providing for the sale of animals impounded in case they are not claimed within a reasonable time or in case the damages, costs and expenses are not paid :
- Provided that in addition to any provision that may be contained in any by law passed under this subsection the provisions of sections 26, 27, 28, 29 and 30 of *The Pound District Ordinance* or any provisions that may be substituted therefor or enacted in amendment thereof shall apply to and be observed

in the case of any proceedings under such by-law. No. 8 of 1897, s. 98; No. 26 of 1898, s. 1 (20, 21, 22, 23); No. 40 of 1898, s. 15.

**96.** In all cases in which in this Ordinance it is provided that the council may license any business, building, calling, trade or occupation, or the keeper of any articles or animals for use or hire, the council shall also have full power and authority by bylaw to provide regulations in connection therewith and governing the conduct of same and providing the manner of collecting of such licenses and providing penalties for not having such license and for breach of conditions on which such licenses are issued and also for fixing fees to be charged for such licenses and regulating the prices or fees to be charged by the holders of such licenses and providing for the collection or payment of the same and generally for the protection of those persons holding licenses. No. 8 of 1897, s. 100. Collection of license fees

**97.** The imposing or collecting of license fees shall not in any case be held to prevent the assessing of property used by license holders in the same manner as other property and collection of taxes thereon. No. 8 of 1897, s. 101. Liability for both license fees and taxes

**98.** When any municipal council has any authority to direct by bylaw or otherwise that any matter or thing shall be done by any person or corporation such council may also by the same or another bylaw direct that in default of its being done by the person or corporation such matter or thing shall be done at the expense of the person or corporation in default and the municipality may recover the expense thereof with costs by action in any court of competent jurisdiction. No. 8 of 1897, s. 102. May enforce bylaws at cost of defaulter

**99.** Every bylaw under this Ordinance shall be under the seal of the municipality and shall be signed by the chairman or the person presiding at the meeting at which the bylaw is finally passed and by the secretary-treasurer of the municipality; and every such bylaw shall have three distinct and separate readings before the same shall be finally passed but not more than two readings shall be had at any one meeting except by the unanimous vote of the council present. No. 8 of 1897, s. 103. Passing bylaws Procedure

**100.** A copy of any bylaw written or printed without erasure or interlineation and under the seal of the municipality, certified to be a true copy by the secretary treasurer thereof and by any member of the council shall be authentic and received as *prima facie* evidence of the due execution and contents thereof without further proof in any court of justice. No. 8 of 1897, s. 104. Proof of bylaws

**101.** In case no application to quash a bylaw is made within two months next after the final passing thereof the bylaw shall notwithstanding any want of substance or form either in Time limit for application to quash

the bylaw itself or in the time or manner of passing the same be a valid bylaw. No. 8 of 1897, s. 105.

#### MAYOR OR REEVE.

Duties of  
mayor or  
reeve

**102.** The mayor or reeve shall preside at all meetings of the council, preserve order and enforce the rules of the council; sign jointly with the secretary-treasurer all cheques ordered to be issued by the council; be vigilant and active at all times in causing the bylaws of the municipality to be put in force and duly executed; inspect and report to the council on the conduct of the officers of the municipality; cause as far as may be in his power all negligence, carelessness or violation of duty to be prosecuted and punished; communicate from time to time to the council any information and make such recommendation as will tend to the improvement of the finances, health, security and comfort of the municipality. No. 8 of 1897, s. 106.

Special  
meetings  
of council

**103.** The mayor or reeve shall call special meetings of the council whenever requested so to do by a majority of the same in writing and all the members thereof shall be duly notified of the time and place of holding the same at least two days previous to the holding thereof; and he shall by public notice, over his signature, conspicuously posted in at least ten places in the municipality call a public meeting of the ratepayers of the municipality for the discussion of municipal affairs and such meeting shall be held within the two weeks preceding the date fixed for holding the annual election of councillors. No. 8 of 1897, s. 107.

Ratepayers'  
meetings

Mayor or  
reeve may  
vote  
Equality of  
votes

**104.** The mayor or reeve at any meeting of the council may vote with the other members of the council on all questions; and any question on which there is an equality of votes shall be deemed to be negatived. No. 8 of 1897, s. 108.

Absence of  
mayor  
Substitute

**105.** In the event of the absence of the mayor or reeve from any meeting the council shall elect another from amongst themselves who shall have all the powers of the mayor or reeve at such meeting. No. 8 of 1897, s. 109.

#### VACANCY IN COUNCIL. LEAVE OF ABSENCE.

Vacancy  
New election

**106.** In case of the resignation, death or removal of any member of a council or in the event of a vacancy occurring in the council from any cause whatsoever the council at its next meeting shall order an election and the member so elected shall hold office for the unexpired period of the member whose place he was elected to fill. No. 8 of 1897, s. 110; No. 26 of 1898, s. 1 (24).

Leave of  
absence

**107.** In the event of any member of a council refusing or neglecting to attend the meetings of the council for three months his seat shall be declared vacant unless he shall have received permission to absent himself from the council by a

majority vote of the same at a regular meeting of the council, which permission shall in no case be for a longer period than six months. No. 8 of 1897, s. 111.

#### THE SECRETARY TREASURER.

**108.** The council shall by bylaw as soon as possible after the beginning of each year appoint a secretary treasurer who shall hold office during the pleasure of the council. No. 8 of 1897, s. 112. Appointment of secretary treasurer

**109.** The secretary treasurer shall before entering on his duties furnish to the municipality security in a penal sum to be named by the council for the true and faithful performance of all the duties required of him by this Ordinance and the said security shall be a guarantee bond of a guarantee company authorised to do business in Canada. No. 8 of 1897, s. 113. Secretary treasurer to furnish bond

**110.** The secretary treasurer shall attend all meetings of the council, truly record all resolutions, decisions and other proceedings of the council and if required by the council shall record the name of every member voting and whether aye or nay on any question coming before the council; he shall keep the books, records and accounts of the council and shall preserve and file all accounts acted upon by the council and shall keep the original or certified copies of all bylaws of the council. No. 8 of 1897, s. 114. Duties as secretary

**111.** The secretary treasurer shall collect and receive all moneys belonging or accruing to the municipality from whatever source and shall deposit the same to the credit of the municipality in any chartered bank designated by resolution of the council. He shall conjointly with the mayor or reeve sign all cheques on such bank ordered to be issued by the said council: Duties as treasurer

Provided that in case there is no branch of any chartered bank situated within the municipality the council may direct that any funds to the credit of the general fund of the municipality may be deposited to the credit of the municipality in any private bank doing business therein. No. 8 of 1897, s. 115.

#### AUDITOR.

**112.** No one shall be appointed as auditor who is or who during the preceding year was a member of the council or officer of the municipality or who had during such preceding year either directly or indirectly a share or interest in any contract with or on behalf of the municipality except as auditor. No. 8 of 1897, s. 137. Who may not be auditor

**113.** The auditor shall examine and report upon all accounts affecting the municipality or relating to any matter under its control or within its jurisdiction for the year ending Duties of auditor

on the thirty-first day of December preceding his appointment and during the year for which he was appointed he shall at the request of the council report from time to time on matters that may be referred to him. No. 8 of 1897, s. 138.

Auditor shall  
prepare  
statement

**114.** The auditor shall prepare an abstract of the receipts, expenditures, assets and liabilities of the municipality and also a detailed statement of the said particulars in form as the council may direct and shall make a special report of any expenditure made contrary to law and shall deliver one copy of such report to the mayor or reeve and one to the secretary treasurer of the municipality and thereafter any inhabitant or ratepayer of the municipality may inspect the said report and may by himself or agent at his own expense take a copy thereof or extract therefrom. No. 8 of 1897, s. 139.

Statement to  
be published

**115.** The council of every municipality shall not later than the fifteenth day of February in each year cause to be published within the municipality a detailed copy of the auditor's report required by section 113 hereof. No. 8 of 1897, s. 140.

Audit of  
accounts of  
secretary  
treasurer

**116.** The council of every municipality shall provide for the audit of the accounts of the secretary treasurer at least once in every three months during the current year and the Lieutenant Governor in Council may on petition of one fourth of the number of the ratepayers of any municipality as shown by the last revised assessment roll appoint anyone to make a special audit of the accounts of any municipality; the expenses of such special audit shall be paid out of the general fund of the municipality. No. 8 of 1897, s. 141; No. 26 of 1898, s. 1 (18).

## Part III.

### Assessment and Collection of Taxes.

#### PROPERTY LIABLE TO TAXATION.

**117.** All municipal, local or direct taxes or rates shall where Rates to be equitable no other express provision has been made in this respect be levied equally upon the whole rateable property, real and personal, and income, of the municipality according to the assessed value of such property and income and not on any one or more kinds of property in particular or in different proportions. No. 8 of 1897, s. 142.

**118.** All land and personal property and income in the All land taxable Territories shall where no other express provision has been made in this respect be liable to taxation subject to the exemptions hereinafter mentioned.

(2) No person deriving an income exceeding \$600 per annum Income assessment from any trade, calling, office, profession or other source whatsoever not declared exempt by this Ordinance shall be assessed for a less sum as the amount of his net personal property than the amount of such income during the year then last past in excess of the said sum of \$600 and such last year's income in excess of the said sum of \$600 shall be held to be his net personal property unless he has other personal property liable to assessment in which case such excess and other personal property shall be added together and constitute his personal property liable to assessment. No. 8 of 1897, s. 143; No. 26 of 1898, s. 1 (29).

**119.** The real estate and personal property of all railway Railway property companies liable to assessment is to be considered as the property of ratepayers within the municipality. No. 8 of 1897, s. 144.

**120.** Crown lands occupied whether under right of purchase or homestead or preemption entry and unpatented lands Crown lands assessment vested in or held by Her Majesty which may be hereafter or may have been heretofore sold or agreed to be sold to any person or corporation or which may be located as a free grant homestead or preemption shall be liable to taxation from the date of such homestead or preemption entry, location, sale or grant; and all such lands shall be liable to taxation thenceforward under this Ordinance in the same way as other land whether any license of occupation, certificate of sale, or receipt for money paid on such sale has or has not been or is or is not issued and in case of sale or agreement of sale by the Crown whether any payment has or has not been or is or is not made thereon and whether any part of the purchase money is or is not overdue; but such taxation shall not in

any way affect the right of Her Majesty in such lands. No. 8 of 1897, s. 145.

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## EXEMPTIONS.

## Exemptions

**121.** The following shall be exempted from taxation :

1. All property held by Her Majesty or specially exempted by the Parliament of Canada or for the public use of the Government of the Territories ;

2. All property held by or in trust for the use of any tribe of Indians or the property of the Indian Department ;

3. Where any property mentioned in the preceding clauses is occupied by any person otherwise than in an official capacity the occupant shall be assessed in respect thereof but the property itself shall not be liable ;

4. The lands, not exceeding one-half acre and the buildings thereon, of all public schools, universities, collegiate institutes or incorporated seminaries being public property, so long as such property is actually used or held for educational purposes ;

5. All property belonging to the municipality when held or occupied or in the use of the corporation and the personal property belonging to the same ;

6. Gaols, court houses and the necessary land attached thereto ;

7. The books of every public library ;

8. The income of a farmer derived from his farm and the income of merchants, mechanics and other persons derived from capital liable to taxation ;

9. Household effects of every kind (except in unlicensed hotels and restaurants), books and wearing apparel in use ;

10. The increase in the value of any land by reason of the annual cultivation thereof, together with the growing crops ;

11. All works constructed, operated and used in connection with irrigation ditches as well as the ditches themselves operated under and subject to the provisions of *The North-West Irrigation Act*, 1898 :

Provided however that should any such works be not operated during any one year then said works and ditches shall not be exempt from taxation during the year ;

12. Personal property to the amount of \$300 other than income ;

13. The annual income of any person derived from his personal earnings provided the same does not exceed \$600 ;

14. Rental or other income derived from real estate except interest on mortgages ;

15. A building used for church purposes and not used for any other purpose for hire or reward and the lot or lots whereon it stands not exceeding one-half acre except such part as may have any other buildings thereon ;

16. Grain. No. 8 of 1897, s. 146 ; No. 40 of 1898, s. 15.



**122.** The assessor or assessors shall prepare an assessment roll after revision by the assessment committee as in form F in the schedule to this Ordinance setting down in each column as accurately as may be after diligent inquiry the information called for by the heading thereof. No. 8 of 1897, s. 159.

Duties of  
assessors

#### ASSESSMENT.

**123.** The council of every municipality shall appoint the mayor or reeve, secretary treasurer and assessor or any two others with the assessor who shall on completion of the assessor's roll and before assessment notices are sent out check over the assessment roll and make such corrections as the majority of the committee may decide. No. 8 of 1897, s. 158.

Assessment  
committee

**124.** Every assessor shall before delivery of his roll to the secretary treasurer of the municipality deliver to each taxable person if residing in the municipality a notice setting forth the sum at which his real and personal property and taxable income is assessed or if such taxable person be not residing in the municipality shall mail said notice by registered letter direct to such taxable person to the post office named in such roll and shall enter on the roll opposite the name of such person the date of such delivery or mailing and such entry shall be deemed *prima facie* evidence of such delivery :

Assessor to  
notify parties  
assessed

Provided that in rural municipalities the assessor shall deliver such notice at the time of the assessment and if any corrections or alterations are made by the assessment committee the assessor shall deliver or send by registered letter a new assessment notice showing the corrections or alterations so made. No. 8 of 1897, s. 160.

**125.** The personal property of a partnership shall be assessed against the firm at the usual place of business of the partnership and a partner in his individual capacity shall not be assessable for his share of any personal property of the partnership which has already been assessed against the firm.

Partnership  
assessment

(2) If a partnership has more than one place of business each branch shall be assessed as far as may be in the locality where it is situate for that portion of the personal property of the partnership which belongs to that particular branch. No. 8 of 1897, s. 161.

**126.** It shall be the duty of every person assessable for real and personal property or income in every municipality to give all information to the assessor and he may deliver to the assessor a statement in writing setting forth the particulars of the property for which he should be assessed but no such statement shall bind the assessor or excuse him from making due inquiry as to its correctness. No. 8 of 1897, s. 162.

Information to  
be given  
assessor

**127.** In assessing vacant ground or ground used as a farm, garden or nursery and not in immediate demand for building purposes in towns the value of each parcel of vacant ground

Vacant  
ground, farms,  
gardens, etc.

shall be that at which sales of it can be reasonably expected during the current year; the assessor shall value it as if held for farming or gardening purposes with such percentage added as the situation of the land may reasonably call for and such vacant land whether surveyed into lots or not if unsold as such may be entered on the assessment roll as so much of the original lot or section as the case may be and where ground is not held for purposes of sale but *bona fide* inclosed and used in connection with a residence or building as a paddock, garden, park or lawn it shall be assessed at a sum which at six per centum would yield a sum equal to the annual rental which in the judgment of the assessor it is reasonably worth reference being always had to its position and local advantages.

Land values (2) Except in the case of mineral lands hereafter provided for land shall be estimated at its relative value as compared with the balance of the land in the municipality:

Provided that no lands shall in a rural municipality be assessed at a less valuation than \$2 per acre.

Mineral lands (3) In estimating the value of mineral lands said lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighbourhood for agricultural purposes.

Stock in trade (4) In assessing stock in trade the assessor shall assess a person, firm or corporation for the amount of the average stock in trade kept on hand by such person, firm or corporation during the twelve months immediately prior to the date of assessment. No. 8 of 1897, s. 163.

Date of completion of assessment

**128.** Each assessor shall make and complete and deliver his roll to the secretary treasurer of the municipality in each year on or before the first day of May or such prior day as the council may prescribe by bylaw with his affidavit thereto or indorsed thereon made before a justice of the peace in the following form:

I, \_\_\_\_\_, do swear that I have in the within (or annexed) assessment roll and statement attached assessed the municipality of \_\_\_\_\_ (or part as the case may be naming the part) according to law to the best of my skill and ability, and without favour.

Sworn before me at

this \_\_\_\_\_ day of \_\_\_\_\_  
1

J.P.

A.D. }  
Assessor.

No. 8 of 1897, s. 164.

Rural municipalities  
Triennial assessments

Proviso for appeals

**129.** The council of any rural municipality may by resolution decide that an assessment may be used to strike rates therefrom for three years consecutively and no longer:

Provided that in each year when a new assessment roll shall not be ordered the council shall by notice published in at least one issue each week for three consecutive weeks of any newspaper published within the municipality or if there be none published therein any newspaper published nearest to the

municipality fix a date when the council shall sit as a court of revision to hear appeals, to add to, strike off or alter the assessment roll of the last preceding year and such appeals shall be lodged with the secretary treasurer of the said municipality within twenty-five days from the date of the said notice and the proceedings for the trial of such appeals shall be those hereinafter provided in section 135 of this Ordinance. No. 8 of 1897, s. 157.

#### COURT OF REVISION.

**130.** The mayor or reeve and council shall be the court of revision of all municipalities and a majority thereof shall be a quorum for the transaction of business. No. 8 of 1897, s. 165. Court of revision Quorum

**131.** The secretary treasurer of the municipality shall be the clerk of the court of revision and shall record all the proceedings thereof. No. 8 of 1897, s. 166. Clerk of

**132.** The court may meet and adjourn from time to time and may be summoned to meet at any time by the mayor or reeve of the municipality and all the duties of the court of revision shall be completed before the first day of July in each year. No. 8 of 1897, s. 167 ; No. 26 of 1898, s. 1 (30). May adjourn Completion of duties

**133.** All evidence before the court of revision shall be taken on oath and any member shall be competent to administer the oath to any person giving evidence before the court and the clerk of the court may when required issue a summons to any witness to attend such court and if any person so summoned as a witness fails without good and sufficient reason to attend (having been tendered compensation for his time at the rate of \$1 per day and mileage at the rate of ten cents per mile where a railway is not available, or actual railway fare) he shall on summary conviction thereof incur a penalty not exceeding \$50. No. 8 of 1897, s. 168. Evidence on oath

**134.** The court shall try all complaints in regard to persons wrongfully placed upon the roll or omitted therefrom or assessed too high or too low or in regard to any property of any person which has been misdescribed or omitted from the roll or in regard to any assessment which has not been performed in accordance with the provisions and requirements of this Ordinance as the case may be. No. 8 of 1897, s. 169. Nature of complaints to be tried

**135.** The proceedings for the trial of complaints shall be as follows : Proceedings

1. Any person assessed within the municipality who considers himself aggrieved for any or all of the causes hereinafter referred to may within twenty-one days after the time fixed for the return of the roll give notice in writing to the secretary treasurer of the municipality that he considers himself so aggrieved naming the complaints and the grounds of appeal and upon what property ; Notice of appeal

2. If any ratepayer within the municipality thinks that any Appeal as to

third party person has been assessed too high or too low or has been wrongfully inserted in or omitted from the assessment roll or that the property of any person has been misdescribed or omitted from the roll or that the assessment has not been performed in accordance with the provisions and requirements of this Ordinance the secretary treasurer shall on his request in writing give notice to such person and the assessor of the time when the matter will be tried by the court and the matter shall be decided in the same manner as complaints by a person assessed ;

List of appeals  
and date of  
hearing to be  
published

3. The clerk of the court shall post up in some convenient place within the municipality a list of all complaints by persons on their own behalf against the assessor's return and of all complaints on account of assessment or want of assessment of other persons stating the names both of the complainant and of the party complained against with a concise description of the matter complained of together with an announcement of the time when the court will be held to hear the complaints ; and no alteration shall be made in the roll unless under a complaint formally made according to the above provisions ;

No alteration  
unless on  
complaint

Omissions  
discovered  
subsequently

4. If at any time before the first day of December it shall be discovered that the property or income of any taxable person or part thereof has been omitted from the roll the secretary treasurer shall notify such taxable person if he resides or has a place of business within the municipality that at a meeting of the council to be held at least six days after such notice an application will be made to the said council to assess such taxable property for such sum as may be deemed right and that such taxable person is required to attend such meeting to show cause why the said taxable property should not be assessed and as to the amount the same should be assessed for ;

Service of  
notice

5. If such taxable person does not reside or have a place of business in the municipality then such notice shall be posted by registered letter to the post office address of such person fifteen days before such meeting of the council ;

Assessment  
of omitted  
person

6. After such notices have been served or posted as aforesaid and after the expiration of the time mentioned therein or if such taxable person be not known then without any notice the council may assess such taxable property and direct the secretary treasurer to enter the same upon the proper tax roll as they shall direct and the name of such taxable person if known :  
Provided always that the provisions of sections 136, 137 and 138 hereof as to appeal shall apply to any such assessment ;

Entry on  
tax roll

7. Immediately after such assessment shall be made as aforesaid the secretary treasurer shall place the same on the tax roll at the end thereof and shall rate the same of the same ratio as the rest of the said roll and thereafter the same shall be collectable in the same manner as the rest of the taxes ;

List of  
complaints  
for assessor

8. The secretary treasurer shall cause to be left at the residence of each assessor or addressed to each said assessor by registered letter to his post office address a list of all complaints respecting his roll ;

9. The secretary treasurer shall also prepare a notice in the form following for each person with respect to whom a complaint has been made ; Notice to parties in appeal

Take notice that you are required to attend the court of revision for the Municipality of \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the matter of the following appeal : \_\_\_\_\_ appellant. That you are assessed too high (or too low or not a *bona fide* resident or as the case may be.)

(Signature)

Secretary treasurer.

and every such notice shall be posted by a registered letter to the post office address of such person as entered on the assessment roll fifteen days before the sitting of the court unless such person has a place of business within the municipality in which case the secretary treasurer shall cause the said notice to be served at such place of business at least six days before the sitting of the said court ;

10. Persons complained against may appear before the court in person or by agent ; Appearance in person or by agent

11. The court after hearing the complainant and the party complained against and any evidence adduced, as well as the assessor, shall determine the matter and confirm or amend the roll accordingly ; Hearing and determination

12. If either party fails to appear either in person or by agent the council may proceed *ex parte*. No. 8 of 1897, s. 170 ; No. 26 of 1898, s. 1 (31). Ex parte proceeding

**136.** The roll as finally passed by the court and certified by the secretary treasurer as passed shall except in so far as the same may be further amended on appeal to a judge be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect or error or misstatement in the notice required by subsections 4 and 5 of the foregoing section of this Ordinance or the omission to deliver or transmit such notice. No 8 of 1897, s. 171. Revised roll final subject to appeal

#### APPEAL FROM THE COURT OF REVISION.

**137.** An appeal to a judge shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal. No. 8 of 1897, s. 172. Appeals to judge

**138.** In all cases of appeals under the provisions of the preceding section the proceedings shall be as follows : Appeal proceedings

1. The person appealing shall in person or by agent serve upon the secretary treasurer of the municipality within eight days after the decision of the court of revision a written notice of his intention to appeal to a judge ; Notice of appeal

2. The secretary treasurer shall immediately after the time limited for filing notice of appeals forward a list of the same Secretary treasurer to notify judge

to the judge usually exercising jurisdiction in the judicial district of which such municipality forms a part or if such municipality forms part of more than one judicial district then to the judge whose official residence is nearest the municipality and such judge shall fix a day for the hearing of such appeal;

Notice to parties

3. The secretary treasurer shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint to the court of revision but in the event of failure by the secretary treasurer to have the required service in any appeal made or to have the same made in proper time the judge may direct service to be made for some subsequent day upon which he may sit;

Notice of appeals to be posted

4. The secretary treasurer of the municipality shall cause a conspicuous notice to be posted up in his office or the place where the council of the municipality holds its sittings containing the names of all the appellants and parties appealed against with a brief statement of the ground or cause of appeal together with the time and place at which a court will be held to hear appeals;

Clerk of court

5. The secretary treasurer of the municipality shall be the clerk of such court;

Hearing and determination

6. At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that all appeals may be determined before the first day of September;

Production and amendment of roll

7. At the court to be holden by the judge to hear the appeals hereinbefore provided for the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be altered and amended according to the decision of the judge, if then given, who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied and if the decision is not then given the secretary treasurer of the municipality shall when the same is given forthwith alter and amend the roll according to the same and shall write his name opposite every such alteration or correction;

Judge's powers

8. In all such proceedings the judge shall possess all such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the Supreme Court;

Title of proceedings

9. All process or other proceedings in, about or by way of appeal may be entitled as follows:

In the matter of appeal from the court of revision of the municipality of

A. B.,

Appellant,

and

C. D.,

Respondent;

10. The costs of any proceeding before the judge as afore-<sup>Cost of</sup> said shall be paid by or apportioned between the parties in <sup>proceedings</sup> such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the Supreme Court or in the same manner as upon an ordinary judgment for costs recovered in such court;

11. The costs chargeable or to be awarded in any case may <sup>Taxation</sup> be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the court for such costs; and in case where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder;

12. The decision and judgment of the judge shall be final <sup>Decision final</sup> and conclusive in every case adjudicated upon and can only be appealed from by a unanimous vote of the council. No. 8 of 1897, s. 173.

#### SINGLE TAX.

**139.** The council of a municipality may by bylaw author- <sup>Single tax</sup> ise the levying and collecting of a rate or rates of so much on the dollar based upon the actual value of all lands (without improvements) in the municipality as the council deems sufficient for the current year to raise the sum required in their estimates but in no case shall the rate imposed exceed four cents on the dollar of the assessment in any one year including general, school, special and debenture rates. No. 8 of 1897, s. 149.

**140.** The adoption of the preceding section by any muni- <sup>Optional</sup> cipality shall be optional, which must be decided by a two-thirds majority of the members of the council; or upon receipt of a petition signed by one-half of the resident ratepayers of the municipality the council shall adopt and carry into effect the provisions of the preceding section. No. 8 of 1897, s. 150.

**141.** This system of assessment shall become permanent <sup>Permanent on petition</sup> after a petition signed by one-half of the resident ratepayers has been presented for two years in succession. On a petition signed by one-half of the resident ratepayers the trustees shall direct the assessor to revert to the former system of taxation. No. 8 of 1897, s. 151.

#### ESTIMATES.

**142.** The council of every municipality shall every year <sup>Estimates</sup>

on or before the fifteenth day of July make estimates of all sums which may be required for the lawful purposes of the municipality for the year or that part thereof for which sums are required to be levied making due allowance for the cost of collection and abatement and losses which may occur in the collection of the taxes on the lands of non residents. No. 8 of 1897, s. 147.

#### RATES.

##### Rates

**143.** The council of the municipality shall pass a bylaw authorising the levying and collecting of a rate or rates of so much in the dollar of the assessed value of the property therein as the council deems sufficient to raise the sum required in such estimates including improvement tax, general fund, local fund and school rates together with interest on the debt and sinking fund and shall not exceed two and a half cents on the dollar except as provided for in section 139 hereof. No. 8 of 1897, s. 148.

##### Tax roll

**144.** The secretary treasurer shall on or before the first day of September in each year prepare a tax roll containing columns for all information required by this Ordinance to be entered therein in which he shall set down in full the name of every person assessed, his post office address and the assessed value of his real and personal property and taxable income as ascertained from the assessment roll as finally revised; he shall calculate and set down opposite each such entry in columns headed "General fund," "Debenture fund," "School fund," "Statute labor fund" as the case may be, the sum for which such person or property is chargeable on account of each rate and under the column headed "Arrears of taxes" the sum which may appear on the books of the municipality as arrears on such parcel of land at that date; and in the column headed "Total" the total amount of taxes for which each parcel of land is liable. No. 8 of 1897, s. 116; No. 26 of 1898, s. 1 (25).

##### Taxes due 1st January

**145.** All taxes shall be considered to be due on the first day of January of the year in which the same are levied. No. 8 of 1897, s. 187.

##### Tax notice

**146.** The secretary treasurer shall on or before the first day of October in each year, transmit by mail a notice containing a statement and demand of taxes to each person whose name appears on said roll or to the agent of such person whose address has been transmitted to him and such statement and demand shall state the time such taxes are required to be paid and dates on which any reductions and penalties authorised by the council shall be allowed or charged as the case may be; and the secretary treasurer shall enter the date of mailing such notice in said tax roll opposite the name of the person taxed and such entry shall be *prima facie* evidence of the mailing of such notice and demand. No. 8 of 1897, s. 117.

##### Seizure may be made

**147.** In case any person neglects to pay his taxes for thirty days after such demand as aforesaid the secretary treasurer



may by himself or his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same or of any goods or chattels in his possession wherever the same may be found within the municipality or of any goods or chattels found on the premises the property of or in the possession of any other occupant of the premises and may impound the same on the premises where distrained and no claim of property, lien or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds of sale thereof; but any such distraint shall be made on or before the 30th day of December in each year. No. 8 of 1897, s. 118; No. 26 of 1898, s. 1 (26).

**148.** In case any person neglects or refuses to pay any income tax when demanded by the secretary treasurer the secretary treasurer shall then demand from the employer or employers of the person so neglecting or refusing the amount due for such income tax and the person paying the same shall deduct the amount so paid from the salary or wages due the person so neglecting or refusing and the said employer or employers are hereby rendered liable for the amount or amounts demanded by the secretary treasurer if they fail to deduct the same from the salary or wages due to the person employed. No. 8 of 1897, s. 119. Demand of income tax from employer

**149.** The secretary treasurer shall by advertisement over his hand posted up at three public places within the municipality within which the sale of goods and chattels distrained is to be made give at least six days public notice of the time and place of such sale and of the land on which the same was distrained; and at the time named in the notice the secretary treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes including costs and charges allowed by this Ordinance. No. 8 of 1897, s. 120. Notice of sale

**150.** If the property distrained has been sold for more than the amount of taxes and costs and if no claim for the surplus has been made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or right to the surplus such surplus shall be returned to the person in whose possession the said property was when the distress was made or if such claim be made by the person for whose taxes the property was distrained and the claim is admitted the surplus shall be paid to the claimant. No. 8 of 1897, s. 121. Disposal of surplus

**151.** If the claim is contested such surplus money shall be paid into the general fund of the municipality and shall be retained until the respective rights of the parties have been determined by action at law or by arbitration as provided in this Ordinance. No. 8 of 1897, s. 122. In case of dispute surplus held pending

**152.** Taxes may be recovered with interest and costs as a debt due to the municipality in which case the production of Taxes Recovery as a debt

Evidence a copy of so much of the tax roll as relates to the taxes payable by such person purporting to be certified as a true copy by the secretary treasurer of the municipality shall be *prima facie* evidence of the debt. No. 8 of 1897, s. 123.

Costs allowed **153.** The costs chargeable for distress and sale shall be as follows :

Mileage going to and returning from place of seizure  
each mile necessarily travelled .....\$0 10  
Seizure ..... 1 00  
Taking care of property, the sum actually disbursed not  
exceeding \$1.50 per day.  
Notices of sale and posting up ..... 1 00  
For selling, 5 per cent of the amount realised not exceed-  
ing the amount of the taxes. No. 8 of 1897, s. 124.

Statement of  
taxes collected  
and in arrear **154.** On or before the tenth day of January in each year the secretary treasurer shall make a return showing the total amount of taxes collected on the tax roll of the preceding year specifying the separate amounts that should be credited to the different funds for which a rate had been ordered to be struck by the council also an abstract of the tax roll showing the names and addresses of all persons whose taxes have not been paid and the total amount due for each parcel of land assessed to each such delinquent and he shall submit such return to the council at its first meeting thereafter and shall verify such return by the following declaration :

Declaration  
of secretary  
treasurer I, \_\_\_\_\_, secretary treasurer of the municipality  
of \_\_\_\_\_ do solemnly declare as follows :

1st. That the return herewith submitted contains a true statement of the taxes collected by me on the tax roll of the year ;

2nd. That I have deposited the sums so collected in the bank as directed by resolution of the council ;

3rd. That I have made diligent inquiry and have been unable to discover within the limits of the municipality sufficient goods or chattels belonging to or in the possession of the persons charged with or liable to pay any sums that appear in the list of unpaid taxes herewith submitted whereon I could levy any part of the taxes due.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at \_\_\_\_\_ the \_\_\_\_\_ day  
of \_\_\_\_\_ 1 \_\_\_\_\_ No. 8 of 1897, ss. 125, 126.

Suitable  
books to be  
provided **155.** The council of every municipality shall provide a book suitably ruled to be called the tax register in which shall be kept a list of all lands in arrears for taxes and the amount of such arrears and an official receipt book from which the

secretary treasurer shall issue a receipt for every sum of money received by him on account of arrears of taxes and the secretary treasurer shall note on the stub of each receipt the name of the person making payment, the amount paid and date of payment. No. 8 of 1897, s. 127.

**156.** As soon as possible after the first day of January in each year the secretary treasurer shall add any unpaid taxes <sup>Arrears of taxes</sup> (not including any arrears that may have been included in the total) that may appear on the tax roll of the preceding year against any piece of land to the arrears of taxes already charged in the tax register and also six per centum on the whole amount then due:

Provided that in case any land shall have been advertised <sup>Proviso</sup> for sale but for any reason has not been sold the proportionate cost of advertising authorised by section 183 of this Ordinance shall be included as part of the arrears chargeable to such land. No. 8 of 1897, s. 128; No. 26 of 1898, s. 1 (27).

**157.** The secretary treasurer shall not be required to keep <sup>Arrears to be included as one sum</sup> a separate account of the several distinct rates which may be charged on lands but all arrears from whatever arising shall be taken together and form one charge on the land. No. 8 of 1897, s. 129.

**158.** The secretary treasurer of any municipality shall not receive any part of the arrears charged against any parcel of land less than the taxes for one year thereon with accrued interest but if satisfactory proof is adduced to the secretary treasurer that any parcel of land on which taxes are due has been subdivided he may receive the proportionate amount of tax chargeable upon any of the subdivisions and leave the other subdivision or subdivisions chargeable with the remainder; and the secretary treasurer may in his books divide any piece or parcel of land which has been returned to him in arrears of taxes into as many parts as the necessities of the case may require. No. 8 of 1897, s. 130.

**159.** In case the secretary treasurer fails or omits to collect <sup>Substitute, may be appointed for secretary treasurer</sup> the taxes or any portion thereof by the day appointed the council of the municipality may by resolution authorise some other person in his stead to continue the levy and collection of the unpaid taxes in the manner and with the powers provided by law for the general levy and collection of taxes. No. 8 of 1897, s. 131.

**160.** The secretary treasurer shall in addition to the salary allowed him by the council be entitled to receive a commission of  $2\frac{1}{2}$  per cent. on all moneys paid him on account of arrears of taxes that have not been paid before the return under section 154 hereof for the year in which they became due has been made which shall be collected from the party paying the arrears of taxes at the time; and the said commission shall not apply or be chargeable where lands may be advertised for sale or sold

by him for arrears of taxes. No. 8 of 1897, s. 132; No. 26 of 1898, s. 1 (28).

Books  
Manner of  
keeping

**161.** The secretary treasurer shall keep regular books of accounts in such manner as may be directed from time to time by the council and shall show faithfully all moneys received and how expended having each item posted in the ledger to the separate accounts of receipt and expenditure as agreed upon by the council in making their estimates for the year or as directed by the council and he shall exact and retain vouchers for all moneys paid and he shall prepare and submit to the council at least once in every month a correct statement of the moneys received and for what paid out and the balance at the credit of the municipality. No. 8 of 1897, s. 133.

Secretary  
treasurer shall  
apportion and  
deposit taxes

**162.** The secretary treasurer shall at least once in each month apportion all taxes collected by him whether received from the tax roll of the current year or the tax register; and he shall credit each account in his book with the respective amount collected and forthwith deposit the total amount collected as required by section 111 of this Ordinance. No. 8 of 1897, s. 134.

Secretary  
treasurer to  
give statement  
of arrears

**163.** The secretary treasurer shall on demand give to the owner of any land charged with arrears of taxes a written statement of the arrears at that date certified under his hand and he may charge twenty cents for the search on each separate lot or parcel not exceeding four and for every additional ten lots or parcels a fee of twenty cents. No. 8 of 1897, s. 135.

Disposal of  
sinking fund

**164.** It shall be the duty of the secretary treasurer to see that moneys collected under bylaw for the purpose of payment of interest on debentures issued by the municipality or provided for a sinking fund for the same are properly applied.

Diversion  
from proper  
account

(2) In the event of the council of any municipality diverting any of said moneys for such current or other expenditures save as aforesaid the members who vote for the diverting of such moneys shall be personally liable for the amount so diverted and said amount may be recovered in any court of competent jurisdiction; and the members who may have voted for the same shall be disqualified for holding any municipal office for the period of two years. No. 8 of 1897, s. 136.

#### POLL TAX.

Poll tax  
Exceptions

**165.** Except members of Her Majesty's naval or military force on full pay or on actual service or of the North-West Mounted Police force or of a fire company duly organised by bylaw of the municipality every male inhabitant of a town municipality of the age of twenty-one years and upwards who has resided in the said town for a period of two months or more and has not been assessed on the assessment roll of the municipality shall be taxed at \$2 yearly.

(2) Persons residing within two miles of a town municipality who have a place of business therein and whose names are not on the assessment roll or who receive employment and are paid wages or salary therein are hereby liable to pay poll tax subject to the provisions of this Ordinance. No. 8 of 1897, s. 185.

**166.** Any person liable to pay taxes imposed by the next preceding section shall pay the same to a collector appointed by bylaw of the council of the municipality to collect the same, within three days after the demand thereof by the said collector; and in case of neglect or refusal to pay the same within such time the said collector may levy the same by distress and sale of the goods and chattels of the defaulter with costs of the distress and sale;

Provided that in case any person neglects or refuses to pay the poll tax when demanded by the collector the collector shall then demand from the employer or employers of the person so neglecting or refusing, the amount due for such poll tax and the person paying the same shall deduct the same so paid from the salary or wages due to the person so neglecting or refusing and the said employer or employers are hereby rendered liable for the amount or amounts demanded by the collector if they fail to deduct the same from the salary or wages due to the person employed. No. 8 of 1897, s. 186.

#### SCHOOL TAXES.

**167.** The trustees of any school district, any portion of which is situated within a municipality, may demand of the council of the municipality that the amount for which the school district or the part thereof situated within the municipality is liable for school purposes shall be imposed and collected by the municipality and the land and other property of persons liable for such amounts shall be assessed and the same shall be collected as other rates by the municipality. No. 8 of 1897, s. 152.

**168.** If the amount collected falls short of the sum required the council may direct the deficiency to be made up from any fund belonging to the municipality except sinking funds to retire debentures. No. 8 of 1897, s. 153.

**169.** If there be no unappropriated funds the deficiency may be deducted from the sums estimated as required or from any one or more of them but not from the estimates supplied by the school trustees. No. 8 of 1897, s. 154.

**170.** Should the amount collected exceed the estimates the sum in excess shall be paid over to the treasurer of the school board. No. 8 of 1897, s. 155.

**171.** In cases where the amount collected has been on account of some special purpose and is not required for such

purpose it shall also form part of the general fund of the municipality. No. 8 of 1897, s. 156.

#### ROAD OVERSEERS AND STATUTE LABOUR.

Road  
overseer's  
lists

**172.** In the event of the municipal council failing to collect a statute labour tax as hereinafter provided the secretary treasurer of every rural municipality shall within one week after the final revision of the assessment roll deliver to the road overseer or road overseers appointed by the council a list of all parties assessed and liable for statute labour within their respective divisions and the amount of statute labour for which each of such parties is liable. No. 8 of 1897, s. 174.

Duties of road  
overseer

**173.** It shall be the duty of the road overseer so soon thereafter as convenient after having received from the secretary treasurer of the municipality a list of parties liable for the performance of statute labour to notify and require them respectively to meet him at a certain time and place to perform the labour imposed upon them by the council but no person shall be compelled to do statute labour further than four miles from his home. No. 8 of 1897, s. 175.

Labour, how  
performed

**174.** All statute labour imposed by this Ordinance shall be performed under the direction of the road overseer who shall be liable to the council for the due performance of the same and shall report to the council any refusal or neglect of parties assessed to perform the labour imposed upon them. No. 8 of 1897, s. 176.

Labour, where  
performed

**175.** All statute labour to be done under this Ordinance shall be performed on the public roads of the municipality or on the bridges, drains or ditches therein to benefit and improve the same or as may be determined by the council. No. 8 of 1897, s. 177.

Amount due  
by each  
person

**176.** Every person assessed upon the assessment roll of a rural municipality shall be liable to perform two days' statute labour for each quarter section of land for which he is assessed and in any portion of a rural municipality divided into lots every person assessed shall, if his property be assessed at not more than \$300, be liable to perform one day's statute labour and for every \$500 or part thereof in excess of said sum, an additional day's statute labour and every male inhabitant of a rural municipality of the age of twenty-one years or upwards and under the age of sixty years whose name is not on the last revised assessment roll shall be liable to one day's statute labour, provided that he shall have resided in such municipality for not less than two months. No. 8 of 1897, s. 178.

Proviso

Labour  
deemed to be  
commuted  
and amount  
collectable  
as taxes

**177.** Every person liable to statute labour as hereinbefore provided who refuses or neglects to perform the statute labour for which he is liable when ordered to do so by the overseer shall be deemed to have commuted the same at the rate of

\$1.25 per day and the amount of the commutation shall be a charge and shall be collectable against real property, goods and chattels as other rates. No. 8 of 1897, s. 179.

**178.** The council of any rural municipality may by bylaw Council may commute for a term of years commute the statute labour of any person or persons resident within the municipality with regard to any certain specified property for a term of years in consideration of statute labour to be performed in any one year. No. 8 of 1897, s. 180.

**179.** Any person liable to pay any sum for statute labour commuted as aforesaid shall pay the same to the collector Penalty for nonpayment of commutation money appointed to collect the same within seven days after the demand thereof by the said collector and, in case of neglect or refusal to pay the same, the collector may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of the distress and sale, and if no sufficient distress can be found then upon summary conviction before a justice of the peace of his refusal or neglect to pay the said sum and of there being no sufficient distress and in default of payment at such time as the convicting justice may order, such defaulter shall be committed to the lock up house of the municipality or to the nearest common gaol and be there put to hard labour for any time not exceeding ten days unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol be sooner paid. No. 8 of 1897, s. 181.

**180.** Any municipality may by bylaw provide that instead May substitute money tax of statute labour as herein provided a special tax to be called the statute labour tax may be collected not exceeding \$1.25 per day for each day for which any person is liable under section 176 of this Ordinance. No. 8 of 1897, s. 182.

**181.** Every other person liable for the performance of Persons liable must notify overseer of intention to commute statute labour under this Ordinance shall within fourteen days after the final revision of the assessment roll notify the secretary treasurer of the municipality in writing of his intention to commute the same by the payment as hereinbefore provided or failing so to do he shall be bound to perform the amount of statute labour imposed upon him as the road overseer may direct but he shall not be compelled to go further from his home than four miles to do said labour. No. 8 of 1897, s. 183.

## Part IV.

### Sale of Land for Taxes.

#### ADVERTISEMENT AND SALE.

List of lands  
in arrear  
Warrant for  
sale of

**182.** Whenever any portion of taxes on any land has been due for two years the secretary treasurer shall submit to the mayor or reeve as the case may be a list of all the lands in his books on which taxes are so due with the amount of arrears against each lot set opposite to the same and the mayor or reeve shall authenticate such list by affixing thereto the seal of the corporation and his signature and shall return such list to the secretary treasurer with a warrant thereto annexed under his hand and the seal of the municipality commanding him to levy upon the land for the arrears due thereon with costs and the said secretary treasurer is hereby authorised to sell the same. No. 8 of 1897, s. 184.

Costs to be  
added and  
notice  
published

**183.** The secretary treasurer shall prepare a copy of the list of lands to be sold as authorised by this Ordinance and shall include therein in a separate column a statement of the proportion of costs chargeable on each lot for advertising and the sum of twenty-five cents for each parcel advertised for sale and shall cause the said list to be published at least once a week for four consecutive weeks in at least one newspaper published in the municipality and, if there is no newspaper published therein, then in the newspaper published nearest to the municipality: and for the next following five consecutive weekly issues of said newspaper preceding the day of sale therein named shall publish a notice therein in form following:

Sale of lands in the (*fill in proper title*) for arrears of taxes.

Notice is hereby given that certain lands in the (*fill in proper title*) will be offered for sale for arrears of taxes (*stating the day, time and place where and when the said lands are to be sold and the dates of the issues of said newspaper in which a full list of said lands may be found*).

and shall also publish a similar notice in *The North-West Territories Gazette* during the said nine weeks. No. 8 of 1897, s. 188.

Advertise-  
ment, contents

**184.** The advertisement shall contain a notification that unless the arrears of taxes and costs are sooner paid the secretary treasurer will proceed to sell the lands for taxes on the day and at the place mentioned in the advertisement. No. 8 of 1897, s. 190.

Advertise-  
ment, contents

**185.** Every such notice shall specify the place, day and hour at which the sale shall commence and each lot or parcel of land shall be designated therein by a reasonable description for registration purposes. No. 8 of 1897, s. 191.



**186.** All the lots liable for sale in the municipality shall be included in the same statement and notice but any neglect or omission to include any lands liable for sale in said list shall not be held to invalidate the sale or prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon. No. 8 of 1897, s. 192.

**187.** The day of sale shall not be more than forty days after the last publication as hereinbefore provided and the sale shall take place at such place in the municipality as the council shall from time to time by resolution appoint and, in the absence of such appointment, at such place in the municipality as the secretary treasurer in his said notice shall name. No. 8 of 1897, s. 193.

**188.** The secretary treasurer may adjourn the sale from time to time provided always that no such adjournment shall be for a period exceeding fifteen days. No. 8 of 1897, s. 194.

**189.** At the place, day and hour appointed for the sale of lands (if the taxes thereon including costs and charges have not previously been paid) the secretary treasurer shall offer the lands for sale by public auction and in so doing shall make and declare the amounts stated in the list as the taxes due with his charges and costs as the upset price on each respective lot or parcel as offered for sale and shall thus sell the same to the highest bidder or to such person as may be willing to take it at the upset price, there being no higher bidder, but subject to redemption as hereinafter provided for. No. 8 of 1897, s. 195.

**190.** If no bidder appears for any land for the full amount of arrears of taxes, costs and charges the secretary treasurer shall there and then sell the same to the municipality at the upset price. No. 8 of 1897, s. 196.

**191.** If the land sells for a greater sum than the taxes due together with all charges thereon the purchaser shall only be required to pay at the time of sale the amount of said taxes and charges and the balance of the purchase money shall be payable within one calendar month after the time of redemption of the said land shall have expired without the same having been redeemed within the time limited and if the said balance of purchase money shall not be so paid by the purchaser, his heirs or assigns, within the time above prescribed he and they shall forfeit all claim to the said land and to any transfer or conveyance thereof as well as the amount paid at the time of sale and such land shall thereupon cease to be affected by said sale. No. 8 of 1897, s. 197.

**192.** If the purchaser of any parcel of land fails immediately to pay the secretary treasurer on account of said purchase the amount claimed for arrears of taxes and charges the treasurer shall forthwith again put up the property for sale. No. 8 of 1897, s. 198.

Certificate  
to purchaser

**193.** The secretary treasurer after selling any land for taxes shall give to the purchaser a certificate describing the land as advertised stating the amount of taxes and costs paid and the total amount of purchase money and further saying that a transfer of the same to the purchaser or his assigns shall be executed by the secretary treasurer on his or their demand within one month after the expiration of one year from the date of the certificate if the land be not previously redeemed and upon payment of the balance of the purchase money if any remains unpaid and upon payment of \$2 for said transfer. No. 8 of 1897, s. 199.

Purchaser's  
rights

**194.** The purchaser shall on receipt of the secretary treasurer's certificate of sale become the owner of the land so far as to have all necessary rights and powers for protecting the same from spoliation or waste until the expiration of the term during which the lands may be redeemed. No. 8 of 1897, s. 200.

List of land  
sold to be kept  
for inspection

**195.** A statement of the lands so sold for arrears of taxes with the names of the respective purchasers, the date of sale, the time of redemption and the amount required to redeem shall within thirty days of the date of sale or adjourned sale be made out and signed by the secretary treasurer in duplicate and one copy shall be kept by the secretary treasurer and the other delivered to the mayor or reeve and either of the said lists may be inspected at any time during office hours for a fee of ten cents for each lot of which inspection is desired. No. 8 of 1897, s. 201; No. 26 of 1898, s. 1 (32).

#### REDEMPTION.

Redemption  
of lands sold

**196.** The owner of any land which may hereafter be sold for taxes or his heirs, executors, administrators or assigns or any other person on his or their behalf but in his name only may at any time within one year from the date of sale exclusive of that date redeem the real estate sold by paying to the secretary treasurer before the hour of three o'clock in the afternoon of the said last day for redemption for the use and benefit of the purchaser or his legal representatives the sum paid by him together with ten per cent. thereon and any further sum which shall have been levied against said land and paid by the purchaser before date of redemption and the secretary treasurer shall give the party paying such redemption money a receipt stating the sum paid and the objects thereof and such receipt shall be evidence of the redemption. No. 8 of 1897, s. 202.

Date of  
redemption

**197.** For the purpose of this Ordinance the day of sale shall be the day on which the sale was advertised to take place without reference to any adjournment or adjournments and all certificates shall be dated as of that day. No. 8 of 1897, s. 203.

Purchaser's  
rights cease on  
redemption

**198.** From the time of payment to the secretary treasurer of the full amount of redemption money required by this Ordinance

nance all rights and interests of the purchaser shall cease. No. 8 of 1897, s. 204.

**199.** Whenever such redemption is effected by a person not specially authorised the secretary treasurer shall mention in the receipt given by him for the redemption money the name and designation of the person paying the same and the name of the person on whose behalf the payment is made and every redemption receipt shall be made out in duplicate; one copy shall be given to the person paying the redemption money and one shall remain on file in the office of the secretary treasurer. No. 8 of 1897, s. 205.

Receipt when  
redemption  
by person  
unauthorised

**200.** The secretary treasurer shall also immediately after the redemption of any land give notice by registered letter to the party appearing by his books to be the purchaser of the same apprising him of the fact of such redemption and of the amount of money paid in for such purpose. No. 8 of 1897, s. 206.

Notice to  
purchaser

#### TRANSFER ON NONREDEMPTION.

**201.** If the land be not redeemed within the period allowed by this Ordinance then on demand of the purchaser, his heirs or assigns or other legal representatives at any time within one month after the expiration of the time limited for the redemption upon payment of the balance of purchase money as aforesaid and of the further sum of \$2 the secretary treasurer shall prepare and execute and deliver to him or them a transfer of the land sold provided that any land sold to the municipality under the provisions of this Ordinance as hereinbefore provided shall be transferred to the municipality by the secretary treasurer of the municipality immediately on the expiration of the time allowed for the redemption, without charge; such transfer shall be in form G given in the schedule to this Ordinance or to the same effect and shall state the date and cause of sale and the price and shall have the effect of vesting the land in the purchaser, his heirs, assigns and other legal representatives in fee simple or otherwise according to the nature of the estate sold and no such transfer shall be invalid by reason of any error or miscalculation in the amount of taxes in arrear. No. 8 of 1897, s. 207; No. 26 of 1898, s. 1 (33).

On non  
redemption  
transfer may  
issue

**202.** Such transfer shall not only vest in the purchaser all rights of property which the original holder had therein, but shall also purge and disencumber such land from all payments, charges, liens, mortgages and encumbrances of whatever nature and kind other than existing liens of the municipality or Crown, and whenever lands are sold for arrears of taxes, and the secretary treasurer shall have given a transfer thereof, such transfer shall, notwithstanding any informality or defect in or preceding such sale, be valid and binding to all intents and purposes, except as against the Crown:

Tax transfer  
cancels all  
prior claims

## Proviso

Provided that every such transfer shall at the expiry of one year from the date thereof be conclusive evidence of the assessment and valid charge of the taxes on said land therein described ; also that all the steps and formalities necessary for a valid sale had been taken and observed as provided by the Ordinance in that behalf ; and thereafter such sale and transfer shall only be questioned or set aside on the following grounds and no other :

- (a) That the sale was not conducted in a fair, open and proper manner ;
- (b) That there were no municipal taxes whatever in arrear for which the said land could be sold ;
- (c) That the said land was not liable to be assessed for municipal taxes. No. 8 of 1897, s. 208.

## Title in Crown

**203.** When the title of any land sold for arrears of taxes is vested in the Crown the transfer thereof in whatever form given shall be held to convey only such interest as the Crown may have given or parted with, or may be willing to recognise or admit that any person possesses under any colour of right whatever ; and the municipality in case of any sale for taxes being declared invalid shall be liable only for the purchase money actually paid therefor to the secretary treasurer and legal interest thereon as for damages or otherwise. No. 8 of 1897, s. 189.

Invalid sales  
Liability of  
municipality

## TAX SALE FUND.

## Tax sale fund

**204.** The secretary treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes, and not redeemed and shall enter in the book the amount received over the taxes and charges from the purchaser of any lots sold by him against said lot with date of sale and of receipt of balance and the aggregate amount so received shall form a fund to be called the tax sales fund and the secretary treasurer shall in the month of January in each year and on request at any other time, furnish a statement to the council, giving the particulars respecting such fund and whenever any portion of such fund shall have remained in the hands of the secretary treasurer for six years from the day of sale of the land of the purchase money of which it forms a part, without any notice of claim or order for payment having been served on him as hereinafter provided, said portion or sum so remaining unclaimed shall have been forfeited and thereafter be the absolute property of the municipality and the said municipality shall for ever be discharged from any claim on account thereof. No. 8 of 1897, s. 209.

Surplus may  
be claimed

**205.** Any person claiming to have been the owner, heir, assignee or legal representative of the owner or otherwise interested in any parcel of land sold for taxes and transferred as aforesaid which shall have realised more than the amount due for taxes and charges shall be entitled to claim and receive

the said overplus or sum held to the credit of said parcel of land in the tax sale fund or any portion thereof specified in the order hereinafter mentioned provided that written notice is served upon the secretary-treasurer previous to the time limited for forfeiture and upon producing and leaving with the secretary-treasurer within six months from the date of service of such notice of claim an order signed by a judge reciting that it had been proved to the satisfaction of said judge that the claimant was at the time of sale the lawful owner of the land in respect to which claim is made or was or is the heir, executor, assignee or legal representative of the said owner or otherwise interested in the said land and requiring the municipality to pay the said surplus money or the portion thereof specified in the order to the said claimant and such or any judge's order for payment of any part of said tax sale fund shall be kept by the secretary-treasurer and shall be the warrant and authority for making such payment. No. 8 of 1897, s. 210.

**206.** In seeking to obtain a judge's order any claimant upon said fund shall in person or by advocate petition the judge in writing for that purpose describing the land sold and setting forth the particulars of said sale and the title under which the said money is claimed and shall at the same time furnish such evidence of title as may be necessary for proving his title or interest to the satisfaction of the judge, and the facts set forth in the petition shall be verified by affidavit so far as may be necessary to satisfy the judge of the *bona fide* nature of the claim and the said judge may in his discretion require the claimant to serve a notice of his application upon the municipality or publish the same in any manner he may deem proper or substantiate his claim in any other manner and the judge may in his discretion order said money to be paid into the Supreme Court there to be dealt with in such manner as the court shall order and in such case a copy of his order stating the reason therefor shall be filed in the said court and served upon the secretary-treasurer. No. 8 of 1897, s. 211.

**207.** The same fees shall be paid upon an application made under the last preceding section as are payable in respect of other applications in chambers for a judge's order in any suit or procedure. No. 8 of 1897, s. 212.

**208.** In any case where the judge deems it advisable to order notice to be served upon the municipality he shall in the final decision of the question if the claimant is successful order the costs of the municipality to be paid out of the fund in question and in case the claimant fails shall order execution to issue against him from the said court, after taxation, for the costs of the municipality. No. 8 of 1897, s. 213.

**209.** The fact of claiming any surplus held to the credit of any lots sold for taxes in the said tax sale fund shall be considered an admission of the validity of the sale of the lot in question by the claimant and the said claimant and all claim-

ing by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to question or set aside such sale notwithstanding that said claim shall have been made within the time otherwise limited for taking any proceedings to invalidate any tax sale and said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through and under him as aforesaid. No. 8 of 1897, s. 214.

Pending suit  
questioning  
sale  
Surplus not to  
be forfeited

**210.** In case of any suit or proceeding to set aside or question a sale for arrears of taxes being commenced within two years and one month from the date of said sale, being the time within which only any such action can be brought or proceeding taken for that purpose, the plaintiff shall within ten days after commencing his action or proceeding cause the secretary treasurer to be notified in writing of the fact of his action or proceeding having been commenced and the secretary treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute but shall hold the same subject to the order of any judge or court before whom the said action or proceeding shall or may be tried and in case the plaintiff succeeds the judge or court shall order said surplus repaid to defendant, the tax sale purchaser or his proper representatives, and in case the plaintiff fails in such action or proceeding to set aside such sale but proves to the satisfaction of the judge or court that he was at the time of sale the lawful owner of said land and the person entitled to the said surplus money according to the true intent and meaning of this Ordinance then in such case the judge or court shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by said plaintiff of such costs of the defendant as he may have been ordered to pay ;

(2) The provisions of this and the next preceding section are hereby declared applicable only to lands for which certificates of title have not been granted. No. 8 of 1897, s. 215 ; No. 26 of 1898, s. 1 (34).

#### TAX SALES. LIABILITY OF MUNICIPALITY.

Liability of  
municipality  
limited

**211.** In no case shall the municipality be liable for damages or costs in any suit brought to set aside a tax sale or be liable for any damages or costs arising therefrom in any way further than, in case of sale held void by a competent court, refunding to the purchaser the amount of money actually received with legal interest. No. 8 of 1897, s. 216.

## Part V.

### Bylaws for Creating Debts and Exempting from Taxation.

#### INTRODUCTION AND FORM OF BYLAWS.

**212.** In case the majority of the resident ratepayers of any Special rate in particular area portion of a municipality divided into lots petition the council thereof setting forth the desire of such resident ratepayers to incur a debt or liability repayable in the financial year, the council may by bylaw levy a special rate against all the property within the area (which shall be described in the petition) as set forth in such petition and such rate shall be collectable as all other rates assessable by the municipality. No. 8 of 1897, s. 99.

**213.** Every municipality may subject to the following provisions Bylaws for creating debt pass bylaws for contracting debts by borrowing money or otherwise and for levying rates for the payment of such debts on the rateable property of the municipality for any purpose within the jurisdiction of the municipality or on roads and bridges or waterworks outside the limits of the municipality :

Provided that no municipality shall have power to pass such Limit bylaws for contracting debts to a greater extent than ten per cent. of the assessed value of the assessable property in the said municipality. No. 8 of 1897, s. 217 ; No. 26 of 1898, s. 1 (35).

**214.** Bylaws for contracting debts or borrowing money which do not provide for the payment of the debts contracted or money borrowed within the financial year shall before the final passing thereof receive the assent of two-thirds of the duly qualified ratepayers voting thereon in the manner hereinafter provided. Must have assent of two-thirds of ratepayers voting No. 8 of 1897, s. 218.

**215.** No bylaw for granting bonuses to manufactories, mills, railways or any works of a public nature or guaranteeing the payment of debentures of companies to assist them in the operation of elevators, for exemption from taxation for a longer period than one year or for building, owning or operating grist mills, elevators and manufacturing establishments or subscribing for stock therein shall be introduced or entertained by the council except on a petition of one-half the resident ratepayers of the municipality ; and all such bylaws shall before the final passing thereof receive the assent of two-thirds or more of the votes polled : Petition of ratepayers for introduction of bylaw

Provided however that upon the introduction of any such bylaw no informality in the proceedings prior to such introduction shall affect its validity. No. 8 of 1897, s. 219.

Term for  
repayment

**216.** If contracted for the purpose of subscribing for stock in a railway or street railway company or for granting a bonus in aid of a railway or street railway or of any undertaking for public lighting or draining or for supplying water to the inhabitants for fire or domestic purposes or for the purpose of constructing any public works the debt may be made payable within any period not exceeding, in the case of railways, forty years and in all other cases twenty years and no longer, from the date upon which the bylaw takes effect. In case any municipality shall already have been authorised by bylaw to borrow money for any of the purposes aforesaid the municipality may extend the time for the payment of the debentures to be issued in pursuance of such bylaw over the period authorised by this section although the same shall exceed the period named in the bylaw and for this purpose the municipality may reacquire any debentures already issued under any such bylaw and issue debentures in their stead extending over the longer period as aforesaid. No. 8 of 1897, s. 220.

Provisions  
of bylaw

**217.** The bylaw shall recite—

- (a) The amount of the debt which such new bylaw is intended to create and in some brief and general terms the object for which it is to be created ;
- (b) The number of years over which such indebtedness is to be spread ;
- (c) The amount of the whole rateable property according to the last revised assessment roll ;
- (d) The total amount of the existing debt of the municipality outside of the debt due for the current expenses of the year ;
- (e) A day not more than three months from the day on which the voting is to take place when the bylaw shall take effect ;

and the whole of the obligations to be issued for the debt authorised shall be dated as of the day on which the bylaw takes effect. No. 8 of 1897, s. 221.

Form of  
debenture

**218.** Debentures shall be in the form following or to the like effect :

*(Give full corporate name of municipality.)*

\$.....

Debenture No.....

The Municipality of \_\_\_\_\_ promises to pay the bearer at the \_\_\_\_\_ at \_\_\_\_\_ the sum of \_\_\_\_\_ dollars of lawful money of Canada in \_\_\_\_\_ equal instalments from the date hereof with interest at the rate of \_\_\_\_\_ per cent. per annum on the terms and in the amounts specified in the coupons attached hereto.

(Signed).....

Mayor (*or* Reeve.)

.....  
Secretary treasurer.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1



(Coupons.)

Coupon No.....

Debenture No.....

The Municipality of  
will pay to the bearer at the bank of                      at                      on  
the                      day of                      1                      , the sum of                      dollars being  
the                      payment with the total interest at the rate of  
per cent. per annum due on that day on debenture No.....

(Signed).....  
(Mayor or Reeve.)

.....  
Secretary treasurer.

No. 8 of 1897, s. 222.

VOTING ON BYLAWS.

**219.** In case a bylaw requires the assent of the electors of the municipality before the passing thereof the following proceedings shall be taken for ascertaining such consent: <sup>Voting on bylaws</sup>

1. The council shall by the bylaw fix a day and hour for taking the votes of the electors and such places in the municipality as the council shall in their discretion deem best and shall name a returning officer and deputy returning officers to take the votes at each place where the votes are to be taken and the day so fixed for taking the votes shall not be less than three nor more than four weeks after the first publication of the proposed bylaw as hereinafter provided. No. 8 of 1897, s. 223.

**220.** The council shall before the voting thereon by the ratepayers publish a copy of the bylaw in some public newspaper published within the said municipality or, if there be no such newspaper, in some public newspaper near the municipality, which publication shall be continued in at least one number weekly of such newspaper for two consecutive weeks; and shall also put up a copy of the bylaw at four or more of the most public places of the municipality. <sup>Publication of bylaw</sup> No. 8 of 1897, s. 224.

**221.** Appended to each copy so published shall be a notice signed by the secretary-treasurer of the council stating that such copy is a true copy of a proposed bylaw which will be taken into consideration by the council after being voted on by the electors and stating the date of the first publication and the day, hour and place or places fixed for taking the votes of the electors. <sup>Notice appended to bylaw published</sup> No. 8 of 1897, s. 225.

**222.** At such day and hour a poll shall be taken and all proceedings thereat and for the purposes thereof including a recount shall be conducted in the same manner as nearly as may be as at an election for mayor and councillors. <sup>Vote taken as at election of council</sup> No. 8 of 1897, s. 226.

Form of  
ballots

**223.** The ballot papers shall be printed with "for the bylaw" and "against the bylaw" and shall be marked by the voter with a cross on the right side thereof opposite the words "for the bylaw" or "against the bylaw" as he may desire to vote. No. 8 of 1897, s. 227.

Time and  
place of  
summing vote  
to be stated

**224.** The council shall in the bylaw fix the time and place when and where the returning officer of the municipality shall sum up the number of votes given for or against such bylaw. No. 8 of 1897, s. 228.

## Scrutineers

**225.** On the application of any person interested in promoting or opposing the passage of the bylaw the mayor or reeve shall authorise the attendance of one person on behalf of the party applying at each polling place and at the final summing up of the votes. No. 8 of 1897, s. 229.

Persons  
eligible to vote

**226.** Every ratepayer being a man, unmarried woman or widow shall be entitled to vote on any bylaw requiring the assent of the electors, who at the time of tendering the vote is of the full age of twenty-one years and is named on the last voters' list of the municipality and who has neither directly or indirectly received nor is in expectation of receiving any reward or gift for the vote which he tenders and who is at the time of the tender a freeholder in his own right or whose wife is a freeholder of real property within such municipality and is rated on the last revised assessment roll as such freeholder for not less than \$400. No. 8 of 1897, s. 230; No. 26 of 1898, s. 1 (36).

## Oaths

**227.** Any ratepayer offering to vote on the bylaw may be required by the deputy returning officer or by any ratepayer entitled to vote on the bylaw to make, before his vote is recorded, the following oath or affirmation or any part thereof or to the effect thereof—

"You swear that you are of the full age of twenty-one years; that you are the person named as \_\_\_\_\_ in the voters' list; that you are a freeholder in your own right (or your wife is a freeholder) of real property within the municipality and rated on the last revised assessment roll as such freeholder for not less than \$400; that you have not voted before on the bylaw now before the electors; that you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you tender; (*In the case of an unmarried woman or widow claiming to vote*) that you are unmarried (or a widow as the case may be)." No. 26 of 1898, s. 1 (37).

Declaration  
of result

**228.** The returning officer after he has received certified returns from the deputy returning officers of the number of votes given at each polling place shall at the time and place appointed by the bylaw in the presence of the persons authorised to attend, or such of them as may be present, sum up from such statements the number of votes for and against

such bylaw and shall then and there declare the result and forthwith certify to the council under his hand whether the majority of the electors entitled to vote, who have voted upon the bylaw, approved or disapproved of the same. No. 8 of 1897, s. 232.

**229.** Every bylaw which is carried by the required major-<sup>Final passing</sup>ity of the duly qualified electors who have voted thereon shall, within two weeks thereafter, be passed by the council which submitted the same. No. 8 of 1897, s. 233.

**230.** All bylaws for contracting debts which do not provide<sup>Assent of Lieutenant Governor in Council</sup> for the payment thereof within the financial year shall receive the assent of the Lieutenant Governor in Council, after the passing thereof by the Council of the municipality, and the Order of the Lieutenant Governor in council assenting to such bylaw shall be conclusive evidence that all necessary formalities in respect to the passing thereof have been complied with. No. 8 of 1897, s. 234; No. 26 of 1898, s. 1 (38).

## Part VI.

### Local Improvements and Assessments.

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Local  
improvements

**231.** The term "local improvement" shall be taken to mean the opening, widening, straightening, extending, grading, levelling, macadamising, laying, paving or planking on any street or public lane, alley, way or place, sidewalk or bridge forming part of a highway; or the curbing, sodding or planting of any street or public lane, alley, square or other public way or place; or the making, deepening, enlarging or prolonging of any common ditch, drain or sewer; or the reconstructing, but not the mere repair and maintenance of any of the said works. No. 8 of 1897, s. 243.

Special  
frontage  
assessment

**232.** The term "special frontage assessment" shall be taken to mean a rate charged according to the lineal measure along the front of the several lands fronting on the street or place whereon or wherein the improvement is to be made for the purpose of paying for such local improvement which rate shall be computed by dividing the total charge to be provided by special frontage assessment on said lands by the number of lineal feet frontage of such lands on the street or place whereon or wherein the local improvement is to be made. No. 8 of 1897, s. 244.

Bylaw for

**233.** The municipal council of any town may pass bylaws:

1. For ascertaining and finally determining what portion if any of the cost of any local improvement should be borne by the municipality at large;

2. For assessing by way of a special frontage assessment the cost or a portion of the cost of any local improvement upon the lands fronting upon the street or place wherein or whereon the local improvement is to be made and for levying such cost or portion thereof by a special rate upon such lands:

3. For regulating the time or times and manner in which the rates for such improvements are to be paid;

4. For borrowing by way of temporary loan upon the credit of the municipality at large any moneys required to meet the cost of any local improvement provided that such temporary loan shall mature within six months from the making thereof; and for borrowing by the issue of debentures upon the credit of the municipality at large the moneys required to meet the cost of any local improvement or required to pay any temporary loan made for that purpose:

Provided that the amount of any such temporary loan or loans by way of debentures shall not increase the general debt of the municipality beyond the limits thereof fixed by any Ordinance in that behalf; and

Provided that such debentures shall mature within the probable life of the local improvement. No. 8 of 1897, s. 245.

**234.** No assessment or levy shall be made under any by-law passed under clause 2 of section 233 of this Ordinance except upon petition to the council of at least two-thirds in number of the persons registered or assessed as owners of the lands fronting on the street or place whereon or wherein the improvement is proposed to be made representing at least one-half of the value of such land excluding improvements thereon. No. 8 of 1897, s. 246.

Two-thirds of owners concerned must petition

**235.** The request of the petition may be acceded to by the council either in respect of the whole or of a part of the street or place proposed to be improved:

Council may grant petition wholly or in part

Provided that part only of such street or place as described in the petition shall not be improved unless the petition is signed as is required by the last preceding section having regard only to the lands fronting on such part of the street or place. No. 8 of 1897, s. 247.

**236.** After the council has resolved to grant the request of any such petition in whole or in part as aforesaid it shall be lawful for the said council in the same or the succeeding year to carry on the proposed improvement or service to completion before making the assessment therefor and such petition so presented shall stand good as authority for undertaking any such improvement and making such assessment or assessments and passing all necessary bylaws whether the improvements shall have been or shall be undertaken and completed by the council to whom such petition is presented or by the council in the succeeding year. No. 8 of 1897, s. 248.

Completion of work

**237.** There shall be a right of appeal against every assessment and rating made under the authority of any bylaw passed under the local improvement sections of this Ordinance to a court of revision to be composed of the mayor and council of the municipality and from such court of revision to a judge in the same manner and by the same procedure as nearly as may be as in case of an appeal from an ordinary assessment. No. 8 of 1897, s. 249.

Appeal from assessment

**238.** Notice of every proposed special frontage rate shall be given by the assessor to the persons registered or assessed as owners or addressed to the last post office address of each such owner known to the assessor of the municipality of every parcel of land to be charged therewith by registered letter, and according as the improvement has actually been made or is only contemplated, and the notice shall set forth:

Notice of proposed frontage tax

- (a) The probable lifetime of the proposed improvement as being the period over which the cost will be spread;
- (b) The probable or actual cost of the improvement;
- (c) The portion if any of the cost to be borne by the municipality at large;
- (d) The portion of the cost to be provided by special frontage assessment;

- (e) The frontage of the property upon which the special frontage assessment is to be levied stated in lineal feet;
- (f) The rates of special frontage assessment per foot frontage;
- (g) The amount chargeable to each lot or parcel of land assessed according to the rate per foot frontage;
- (h) The value of the land chargeable with the special frontage rate exclusive of all improvements thereon;
- (i) The time fixed for the sittings of the court of revision for the hearing of appeals in respect of the assessment and proposed special rate; such sittings to be not earlier than fifteen days from the date of mailing of the notices. No. 8 of 1897, s. 250.

Record of  
mailing  
notice

**239.** A memorandum by the assessor in any proper book or roll kept for that purpose of the mailing of such notices and of the date thereof shall be *prima facie* evidence of the mailing of such notices in accordance with the last preceding section on the date mentioned in the memorandum. No. 8 of 1897, s. 251.

Decision of  
court of  
revision or  
judge to be  
final

**240.** The decision of the court of revision or of the judge if there be an appeal from the court of revision shall be final and conclusive upon all matters respecting the assessment and special rate and the court of revision and the judge shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice. No. 8 of 1897, s. 252.

Contents of  
bylaw

**241.** Every bylaw passed for borrowing money for local improvements shall recite :

- (a) The amount of the debt which such bylaw is intended to create and the object in general terms for which it is to be created ;
- (b) The total amount required to be raised annually by special rate for paying the debt and interest under the bylaw ;
- (c) The total value of the land exclusive of improvements charged with the special assessment and if any portion of the debt is to be borne by the municipality at large the value of the whole rateable property according to the last revised assessment roll ;
- (d) The annual special rate per foot frontage for the paying of the interest and creating a yearly sinking fund for the payment of the debt or portion thereof not payable by the municipality at large as the case may be or for discharging the instalments of such principal and interest in case the debt is to be so payable and if any portion of the debt is to be borne by the muni-

cipality at large the annual special rate in the dollar for the payment of the portion of the debt chargeable to the municipality at large or for discharging the instalments of such principal and interest as the case may be ;

- (e) That the debt is contracted on the credit and security of the municipality at large but as to so much as is not to be paid by the municipality at large the municipality is to collect the same only by way of special frontage tax as aforesaid. No. 8 of 1897, s. 253.

**242.** No bylaw passed hereunder shall require the assent of <sup>Assent of</sup> the electors :  
electors

Provided however that if the council in any case of local improvement provides that more than one-third of the total cost of the improvements shall be paid by the municipality at large and such sum shall be greater than can be properly paid out of the current revenue of the year during which the improvement is made then and in every such case the council shall pass a separate bylaw for the portion of money to be provided by the municipality at large and said bylaw shall before being finally passed receive the assent of the electors in the manner hereinbefore provided. No. 8 of 1897, s. 254.

## Part VII.

### EXECUTIONS AGAINST MUNICIPALITIES.

Procedure  
on writs of  
execution in  
sheriff's hands

**243.** Any writ of execution against a municipality may be indorsed with the direction to the sheriff of the judicial district in which the municipality is, to levy the amount thereof by rate and the proceedings thereon shall be as follows :

Copy writ to  
be delivered  
secretary  
treasurer

Demands for  
payment

1. The sheriff shall deliver a copy of the writ and indorsement to the secretary treasurer of the municipality with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same ;

Execution rate

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the municipality and shall in like manner as rates are struck for general municipal purposes strike a rate sufficient in the dollar to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available ;

Sheriff's  
precept to  
secretary  
treasurer

3. The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the secretary treasurer of the municipality and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the corporation had neglected to satisfy the same and referring to the roll annexed to the precept command the secretary treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates ;

Levy of  
special rate

4. At the time for levying the annual rates next after the receipt of such precept the secretary-treasurer shall add a column to the tax roll headed : " Execution rate in *A.B.* versus the municipality of——— as the case may be " adding a similar column if there are more executions than one and shall insert therein the amount by such precept or precepts to be levied upon each person respectively and shall levy the amount of such execution rate aforesaid and shall within the time that he is required to make the returns of the general annual rate return to the sheriff the precept or precepts with the amount levied thereon deducting his percentage ;

Surplus

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the secretary-treasurer for the general purposes of the municipality ;

Secretary  
treasurer's  
percentage

6. In case the secretary-treasurer of any municipality against which an execution has issued is not paid by percentage fixed by bylaw of the municipality he shall be paid for such collec-



tions a sum not exceeding two and one-half per centum. No. 8 of 1897, s. 255 ; No. 26 of 1898, s. 1 (39, 40).

**244.** The secretary-treasurer and assessor of the corporation shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Ordinance with respect to such execution be deemed to be officers of the court from which such writ issued and as such may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties hereby imposed on them. No. 8 of 1897, s. 256.

Secretary  
treasurer and  
assessor  
officers of  
court

#### EXPROPRIATION OF LANDS.

**245.** The council of every municipality shall make to the owners or occupiers of or other person interested in lands entered upon, taken or used by the corporation in the exercise of its powers due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work and any claim for such compensation if not mutually agreed upon shall be determined by arbitration under this Ordinance. No. 8 of 1897, s. 257.

Expropriation  
of lands

**246.** In the case of real property which a council has authority under this Ordinance to enter upon, take or use without the owner's consent, corporations, tenants in tail or for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively and on behalf of those they represent whether infants unborn, lunatics, idiots, married women or others have power to act as well in reference to any arbitration, notice and action under this Ordinance as in contracting for and conveying to the council any such lands or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof. No. 8 of 1897, s. 258.

Corporations  
or guardians,  
etc., may act

**247.** In case there be no such person who can so act in respect of such lands or in case any person interested in respect to any such lands is absent from the Territories or is unknown or in case his residence is unknown or he himself cannot be found a judge may on application of the council appoint a person to act in respect to the same for all or any of the said purposes. No. 8 of 1897, s. 259 ; No. 26 of 1898, s. 1 (41).

Appointment  
of representative where  
no person  
to act

**248.** In case any person acting as aforesaid has not the absolute estate in the property the council shall pay to him legal interest on the amount to be paid in respect of such property and shall retain the principal to be paid to the person entitled to it whenever he claims the same and executes a valid acquittance therefor unless a judge in the meantime directs the council to pay the same to any person or into court : and the council shall not be bound to see to the appli-

Payment of  
amount  
awarded and  
interest

cation of any interest so paid or of any sum paid under the direction of such court. No. 8 of 1897, s. 260 ; No. 26 of 1898, s. 1 (41).

Sums awarded  
subject to  
incumbrance  
as land

**249.** All sums agreed upon or awarded in respect of such real property shall be subject to the limitations and charges to which the property was subject. No. 8 of 1897, s. 261.

Council may  
make tender  
of damages

**250.** The council of any municipality in all cases where claims for compensation or damages are made against them which under the provisions of this Ordinance are declared to be the subject of arbitration in the event of the parties not being able to agree, may cause such amount to be tendered to the person making such claim as they may consider proper compensation for the damage sustained or lands taken and in the event of the nonacceptance by the claimant or claimants of the amount so tendered and the arbitration being proceeded with and if an award is obtained for an amount not greater than the amount so tendered the costs of the arbitration and award shall unless otherwise directed by the arbitrator be awarded to the corporation and set off against any amount which shall have been awarded against them. No. 8 of 1897, s. 262.

Disputes to  
be settled by  
arbitration

**251.** In any case where a dispute arises between two municipalities or between a person and a municipality involving a claim for the payment of money or damages or between two or more parties for the surplus money in the hands of a municipality in cases where property distrained for the payment of taxes has been sold for more than the amount of taxes and costs either party to the dispute may require that the same be settled by arbitration. No. 8 of 1897, s. 263.

Appointment  
of arbitrators

**252.** In cases where arbitration is authorised either party may appoint an arbitrator and give notice thereof in writing to the other party calling upon him to appoint an arbitrator on his behalf and a notice to a municipality shall be given to the mayor or reeve thereof. No. 8 of 1897, s. 264.

Appointment  
in writing or  
by bylaw

**253.** The appointment of all arbitrators shall be in writing under the hands of the appointers or in case of a municipality by a bylaw of the council and the two arbitrators appointed by or for the parties shall within seven days from the date of the appointment of the last named arbitrator appoint in writing a third. No. 8 of 1897, s. 265.

Each party  
interested  
may appoint  
arbitrator

**254.** Where more than two parties are interested each of them shall appoint an arbitrator and if there be an even number of arbitrators the arbitrators so appointed shall appoint another arbitrator or in default at the expiration of twenty-one days after the last of such arbitrators has been appointed the Lieutenant Governor in Council may on application of any one of the parties interested appoint such arbitrators. No. 8 of 1897, s. 266 ; No. 26 of 1898, s. 1 (42).

**255.** In case of neglect or refusal of any party to appoint an arbitrator when notified to do so or in case of two parties appointed and being unable to agree upon a third the Lieutenant Governor in Council shall upon application of any one of the parties interested in such arbitration appoint a party or parties to act for and on behalf of the party so refusing or a third arbitrator as the case may be. No. 8 of 1897, s. 267; No. 26 of 1898, s. 1 (42).

Omission or neglect to appoint, Lieutenant Governor may appoint

**256.** In case of an arbitration between a municipality and the owners or occupiers of or other persons interested in real property entered upon, taken or used by the municipality in the exercise of any of its powers or injuriously affected thereby if after the passing of the bylaw any person interested in the property appoints and gives due notice to the mayor or reeve of the municipality of his appointment of an arbitrator to determine the compensation to which such person is entitled the mayor or reeve shall if authorised by bylaw within seven days appoint a second arbitrator and give notice thereof to the other party and shall express clearly in the notice what powers the council intends to exercise with respect to the property describing it. No. 8 of 1897, s. 268.

Appointment of arbitrator for municipality

After appointment by adverse party

**257.** In such last mentioned arbitration if, after service upon the owner or occupier of or person so interested in the property of a certified copy of the bylaw, the owner or occupier or person so interested omits for twenty-one days to name an arbitrator and give notice thereof as aforesaid the council or the mayor or reeve if authorised by bylaw may name an arbitrator on behalf of the council and give notice thereof to the owner, occupier or a person so interested and the latter shall within seven days thereafter name an arbitrator on his behalf. No. 8 of 1897, s. 269.

Council may name arbitrator

Other party then to appoint one

**258.** Within ten days after the appointment of the third arbitrator the arbitrators appointed shall meet to hear and determine the matter referred to them. No. 8 of 1897, s. 270.

Meeting of arbitrators

**259.** In any of the cases hereinbefore provided the arbitrators shall make their award within one month after the appointment of the third arbitrator. No. 8 of 1897, s. 271.

Award to be made within a month

**260.** No member, officer or person in the employment of any municipality interested in any arbitration shall be appointed to act as such arbitrator. No. 8 of 1897, s. 272.

No municipal officer can be arbitrator

**261.** Every arbitrator before proceeding to try the matter of the arbitration shall take and subscribe the following oath before any justice of the peace or notary public :

Oath

I, A. B., do swear that I will well and truly try the matters referred to me by the parties and a true and impartial award make in the premises according to the evidence to the best of my skill and knowledge. So help me God. No. 8 of 1897, s. 273.

Evidence  
on oath

**262.** All evidence taken by any court of arbitration under this Ordinance shall be taken on oath; any arbitrator is hereby empowered to administer the same. No. 8 of 1897, s. 274.

Award by  
majority

**263.** A majority of the arbitrators so appointed shall make the award and a copy thereof shall be furnished to each of the parties interested in the matter referred to arbitration. No. 8 of 1897, s. 275.

Arbitrators'  
fees

**264.** The arbitrators shall have power to award the payment of a fixed sum by any of the parties to the other for the costs of the arbitration or of any portion thereof including fees for their own services as follows:

For every meeting where the cause is not proceeded with but an enlargement or postponement is made at the request of any party, to each arbitrator not exceeding.....\$ 2 00  
For every day's sitting to consist of not less than six hours, to each arbitrator not exceeding..... 10 00  
For every sitting not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each hour occupied in such proceedings to each arbitrator not exceeding..... 2 00  
No. 8 of 1897, s. 276.

Notes of  
evidence,  
Documents

**265.** Full notes of the evidence taken by arbitrators under this Ordinance shall be made and together with any documents submitted in proof of any allegations made on behalf of parties interested shall be retained by the chairman of the arbitration or until an order is issued by a judge to produce the same in case of an appeal from the decision of the arbitrators. No. 8 of 1897, s. 277.

Award to be  
in writing  
Appeal

**266.** Every award under this Ordinance shall be in writing and under the hands of all or a majority of the arbitrators and shall be subject only to an appeal to the Supreme Court. No. 8 of 1897, s. 278.

Powers of  
court

**267.** An award made by arbitrators under this Ordinance may be referred back by the Supreme Court for amendment or for additional evidence or may be set aside on questions of law but not on questions of fact. No. 8 of 1897, s. 279.

APPLICATIONS TO QUASH BYLAWS.

Quashing  
bylaws, orders  
and  
resolutions

**268.** In case a resident of a municipality or any other person interested in a bylaw, order or resolution of the council thereof applies to a judge and produces a certified copy of the bylaw, order or resolution and shows by affidavit that the same was received from the secretary treasurer and that the applicant is resident or interested as aforesaid the judge after at least ten days from service on the municipality of a rule to show cause in this behalf may quash the bylaw, order or reso-

lution in whole or in part for illegality and according to the result of the application award costs for or against the municipality. No. 8 of 1897, s. 235.

**269.** No application to quash or annul any such bylaw, order or resolution in whole or in part shall be entertained by any judge unless such application is made within two months from the final passing of such bylaw, order or resolution. No. 8 of 1897, s. 236. Application within two months

**270.** Any bylaw the passage of which has been procured through or by means of any corrupt practices as defined by this Ordinance shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained. No. 8 of 1897, s. 237. Passage procured by corrupt practices

**271.** Before determining any application for the quashing of a bylaw upon the ground that the passing of the same has been procured by means of any corrupt practices as defined by this Ordinance and if it is made to appear to a judge that probable grounds exist for a motion to quash such bylaw the judge may thereupon make an order for an inquiry to be held upon such notice to the parties affected as the judge may direct concerning the said grounds, before himself or whom he may appoint to conduct such inquiry, and require that upon such inquiry all witnesses both against and in support of such bylaw be orally examined and cross-examined upon oath; and the said judge upon the taking or return of said evidence as the case may be may upon notice to such of the parties concerned as he thinks proper proceed to hear and determine the question and if the grounds therefor appear to him to be satisfactorily established he may make an order for quashing said bylaw and order the costs attending such proceedings to be paid by the parties or any of them who have supported said bylaw; and if it appears that the application to quash said bylaw ought to be dismissed the said judge may so order and in his discretion award costs to be paid by the persons applying to quash said bylaw. No. 8 of 1897, s. 238. Judge may order inquiry  
Proceedings on inquiry  
Subsequent proceedings  
Costs

**272.** After an order has been made by a judge directing an inquiry and after a copy of such order has been left with the secretary treasurer of the municipality of which the bylaw is in question, all further proceedings upon the bylaw shall be stayed until after the disposal of the application in respect of which the inquiry has been directed; but if the matter is not prosecuted to the satisfaction of the judge he may remove the stay of proceedings. No. 8 of 1897, s. 239. Proceedings on bylaw stayed

**273.** In case a bylaw, order or resolution is illegal in whole or in part and in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the bylaw, order or resolution has been quashed or repealed nor until one month's notice in writing of the intention Limitation and notice of action on illegal bylaw

to bring action has been given to the municipality and every such action shall be brought against the municipality alone and not against any person acting under the bylaw, order or resolution. No. 8 of 1897, s. 240.

Tender of  
amends

**274.** In case the municipality tenders amends to the plaintiff or his advocate, if such tender is pleaded and (if traversed) proved and if no more than the amount tendered is recovered the plaintiff shall have no costs but costs shall be taxed to the defendant and set off against the verdict and the balance due to either party shall be recovered as in ordinary cases. No. 8 of 1897, s. 241.

Costs

Setting aside  
for corrupt  
practices

**275.** No bylaw shall be set aside for corrupt practices provided the passage thereof was not effected by such corrupt practices. No. 8 of 1897, s. 242.

#### OATHS OF OFFICE AND QUALIFICATION.

Oaths and  
declarations  
of property  
qualifications

**276.** Every person elected or appointed under this Ordinance to any office requiring a qualification of property shall before he takes the oath of office or enters on his duties make and subscribe an oath to the following effect:

I, \_\_\_\_\_ do swear that I am a British subject; that I had at the time of my election or appointment to the office of \_\_\_\_\_ in the municipality of \_\_\_\_\_ (as the case may be) and still have in my own right such an estate as does qualify me to act in the said office and that such estate is (*namming the nature of it*) and is of the value of \_\_\_\_\_ dollars over and above all charges, liens and incumbrances affecting the same.

(Signature.)

A.B.

No. 8 of 1897, s. 280.

Oath of office

**277.** Every member of the council, secretary treasurer, assessor and constable shall before entering on the duties of his office, make and subscribe an oath to the following effect:

I, \_\_\_\_\_, do swear that I will truly, faithfully and impartially to the best of my knowledge and ability execute the office of \_\_\_\_\_ to which I have been elected or appointed (*as the case may be*) in the municipality of \_\_\_\_\_

and that I have not received and will not receive any payment or reward or promise of such for the exercise of any partiality or neglect or undue execution of the said office and that I have not myself or on behalf of any other person either directly or indirectly any interest in any contract with or on behalf of the said municipality. No. 8 of 1897, s. 281; No. 26 of 1898, s. 1 (43).

Oath of  
auditors

**278.** Every auditor before acting as such shall take the following oath:

I, \_\_\_\_\_, having been appointed auditor for the municipality of \_\_\_\_\_ do swear that I will faithfully perform the duties of such office according to the best of

my judgment and ability and that I had not either directly or indirectly any share or interest whatever in any contract with, by or on behalf of such municipality during the year preceding my appointment (except as auditor, *if such be the case*) and that I have not any contract with the said municipality except that of auditor for the present year. No. 8 of 1897, s. 282.

**279.** Every member of the council and the subordinate officers of the municipality shall take the oaths of office and qualification before some justice of the peace or notary public not being a member of the council and the justice of the peace or notary public shall give the necessary certificate of the same having been duly made and subscribed. No. 8 of 1897, s. 284. Oath of office how to be taken

#### PENAL CLAUSES.

**280.** If the secretary treasurer fails to furnish ballot boxes in manner herein provided he shall incur a penalty of \$100 for every ballot box which he has failed to furnish in the manner prescribed. No. 8 of 1897, s. 285. Penalties

**281.** Any person who :

- (a) Without due authority supplies any ballot paper to any person ; or
- (b) Fraudulently puts into the ballot box any paper other than a ballot paper which he is authorised to put in ; or
- (c) Fraudulently takes out of the polling place any ballot paper ; or
- (d) Without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballots then in use for the purpose of the election ;

shall be guilty of an offence and on summary conviction thereof be liable to a fine not exceeding \$200 and costs of prosecution. No. 8 of 1897, s. 286 ; No. 26 of 1898, s. 1 (44).

**282.** Any deputy returning officer, poll clerk, candidate or agent who interferes or attempts to interfere with any voter in marking his ballot or who marks or causes to be marked a ballot paper so as to defeat the intentions of the voter or who at any time communicates any information he may be possessed of as to the candidate or candidates for whom any vote has been given or who induces any person to display his ballot paper so as to make known to himself or to any other person the manner in which he has voted or for or against whom he has marked his ballot paper shall on conviction thereof in a summary way before two justices of the peace be liable to a fine not exceeding \$400 and costs of prosecution or imprisonment not exceeding one year or both. No. 8 of 1897, s. 287. Offences at elections

**283.** If any officer of the municipality refuses or neglects to perform any duty required of him by this Ordinance he shall on conviction thereof be fined in a sum not exceeding \$100 No. 8 of 1897, s. 288. Neglect of duty

Penalties,  
how to be  
recovered

**284.** Every fine and penalty imposed by or under the authority of this Ordinance may, unless where other provision is specially made therefor, be recovered and enforced with costs of prosecution on summary conviction before any justice of the peace for the North West Territories notwithstanding such justice may be a member of the council or a ratepayer in the municipality interested in such prosecution; and all such fines and penalties when recovered shall form part of the general fund of the municipality wherein the same is imposed. No. 8 of 1897, s. 289.

#### INFRACTION OF BYLAWS. PENALTIES.

Bylaws  
providing  
penalties  
for offences

**285.** The council of every municipality may pass bylaws for inflicting reasonable fines and penalties not exceeding \$100 exclusive of costs for breach of any of the bylaws of the municipality and for inflicting reasonable punishment by imprisonment with or without hard labour either in the lock-up house of the municipality or in the nearest common gaol for any period not exceeding thirty days in case of nonpayment of the fine and costs inflicted for any such breach unless such fine and costs including the cost of committal are sooner paid; except for breach of any bylaw or bylaws passed for the suppression of houses of ill-fame for which the imprisonment may be for any period not exceeding six months in case of the nonpayment of the fines and costs unless such fines and costs including costs of committal are sooner paid. No. 8 of 1897, s. 291.

#### ACTIONS AGAINST MUNICIPALITIES.

Actions  
against  
municipalities

Remedy over

**286.** In case an action is brought against a municipal corporation to recover damages sustained by reason of any obstruction, excavation or opening in the public highway, street or bridge placed, made, left or maintained by any corporation or by any person other than a servant or agent of the municipal corporation the last mentioned corporation shall have a remedy over against the other corporation or person for, and may enforce payment accordingly of the damages and costs with any which the plaintiff in the action may recover against the municipal corporation:

Provided nevertheless that the municipal corporation shall only be entitled to the said remedy over if the other corporation or person shall be made a party to the action and if it shall be established in the action as against the other corporation or person that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid placed, made, left or maintained by the other corporation or person; and the municipal corporation may in such action have the other corporation or person added as a party defendant or third party for the purposes hereof, if the same is not already a defendant in the action jointly with the municipal corporation, and the other corporation or person may defend such action as well as the plaintiff's claim as against the claim of the municipal corporation to a remedy over; and the court or judge upon the



trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases. No. 8 of 1897, s. 292.

**287.** The council of any municipality upon any claim being made or action brought for damages for alleged negligence on the part of the municipality may tender or pay into court, as the case may be, such amount as they may consider proper compensation for the damages sustained and in the event of the nonacceptance by the claimant of such tender or the amount paid into court and the action being proceeded with and a verdict being obtained for no greater amount than the amount so tendered or paid into court the cost of suits shall be awarded to the defendants and set off against any verdict which shall have been obtained against them. No. 8 of 1897, s. 293.

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## SCHEDULE.

### FORM A.

#### NOTICE FOR NOMINATION AT ELECTIONS.

##### NOTICE.

##### Municipality of

Public notice is hereby given that a meeting of the electors of the municipality aforesaid will be held at (*description of place*) on (*day of week*) the            day of            1            , from ten of the clock until noon of the said day for the purpose of nominating            candidates for the offices of mayor (*or reeve*) and councillors for the said municipality for the next ensuing year.

Dated under my hand at            this            day of  
1            .

G.H.,  
Returning Officer.

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### FORM B.

#### POLLING NOTICE AT ELECTIONS.

##### NOTICE.

##### Municipality of

Public notice is hereby given to the electors of the municipality aforesaid that a poll has been granted for the election now pending for the said municipality and that such poll will be open on (*here insert some day of the week as for nomination of the next following week*) the            day of            1            , from the hour of            nine of the clock in the morning till five of

the clock in the afternoon at (*describe the polling station or as the case may be*) in each of the following polling divisions that is to say :

For the polling division No. 1 (*or other designation*) consisting of (*or bounded as follows or otherwise describing it clearly*) at (*describing the polling station and so continuing for all the other polling divisions and stations in the municipality*).

And that I will at (*describe the place*) on (*day of the week*), the            day of            1            , at            o'clock in the            noon sum up the votes and declare the result of the election.

Given under my hand at            this            day  
of            1            .

G. H.,  
Returning Officer.



## FORM D.

## DIRECTION FOR GUIDANCE OF VOTERS.

The voter will go into one of the apartments provided and with a pencil make a cross opposite the name or names on the right hand side of the ballot paper of the party or parties for whom he wishes to vote, thus **X**.

If the voter votes for more candidates than he is by law entitled to vote for his ballot paper will be void unless he discovers the fact before the same is deposited in the ballot box when he can obtain a new one from the returning officer.

If the voter inadvertently spoils a ballot paper he can obtain a new one on satisfying the returning officer of the fact.

If the voter places any mark on the ballot paper by which he will be afterwards identified his ballot paper will be void.

The voter after he has made the cross **X** opposite the name or the names of the party or parties for whom he wishes to vote shall fold up his ballot paper so as to show the initials of the deputy returning officer on the back thereof but so as to conceal the manner in which he has voted and shall deliver the same to the deputy returning officer and shall forthwith quit the polling place.

## FORM E.

### VOTERS' LIST.

[illegible]

Assessment Roll for year 1 . Municipality of FORM F.

|                    |   |                      |   |  |  |                                      |                                  |                |  |                        |                           |                           |           |                         |         |        |         |       |       |                     |  |  |
|--------------------|---|----------------------|---|--|--|--------------------------------------|----------------------------------|----------------|--|------------------------|---------------------------|---------------------------|-----------|-------------------------|---------|--------|---------|-------|-------|---------------------|--|--|
| No. of assessment. | The names in full if the same can be ascertained, of all taxable persons who have taxable property or income within the Municipality, and the name of the owner when the occupant is not the owner. | Post office address. | Own. (owner), Occ. (occupant), Inc. (income). | The description in full and extent or amount of property against each taxable person or any interest which is liable to assessment, showing section, township and range, or lot and block, or other local description. | The actual cash value of each parcel or lot of real property, or the interest therein of the taxable person. | Total value of improvements thereon. | Cash value of personal property. | Taxable income | Total assessment of real and personal property and income. | Age of taxable person. | Number of acres assessed. | Number under cultivation. | Religion. | Total number in family. | Cattle. | Sheep. | Horses. | Hogs. | Dogs. | Date of assessment. | Value of property exempt from taxation | Date of delivery or posting of notice. |
|--------------------|---|----------------------|---|--|--|--------------------------------------|----------------------------------|----------------|--|------------------------|---------------------------|---------------------------|-----------|-------------------------|---------|--------|---------|-------|-------|---------------------|--|--|

## FORM G.

## TRANSFER OF LAND ON SALE FOR TAXES.

I \_\_\_\_\_ of the \_\_\_\_\_ in  
 the North-West Territories, secretary treasurer of the muni-  
 cipality of \_\_\_\_\_ by virtue of the authority vested  
 in me by *The Municipal Ordinance* to sell lands for arrears  
 of taxes do hereby in consideration of the sum of  
 dollars paid to me by \_\_\_\_\_ of  
 being the price for which the said land was sold at a sale by  
 me on the \_\_\_\_\_ day of \_\_\_\_\_ 1 \_\_\_\_\_ for  
 arrears of taxes due on said land to the said municipality,  
 transfer to the said \_\_\_\_\_ ALL THAT piece of land  
 being \_\_\_\_\_

In witness whereof I have hereunto set my hand and the  
 seal of the said municipality this \_\_\_\_\_ day of \_\_\_\_\_  
 1

Signed by the above named \_\_\_\_\_

in presence of \_\_\_\_\_

*Affidavit of witness to be indorsed on transfer.*

CANADA.  
 North-West Territories. {  
 To wit: { I \_\_\_\_\_  
 of \_\_\_\_\_ (residence)  
 in the North-West Territories,  
 (occupation) make oath and say:

1. I was personally present and did see  
 named in the within instrument who is personally  
 known to me to be the person named therein, he being the  
 secretary treasurer of the municipality of  
 duly sign and execute the within instrument for the purposes  
 named therein;

2. That the said instrument was executed at \_\_\_\_\_  
 in the  
 said Territories; and that I am the subscribing witness thereto.

3. That I personally know the said \_\_\_\_\_  
 and he is in my belief of the full age of  
 twenty-one years.

Sworn before me at  
 in the North-West Territories  
 this \_\_\_\_\_ day of \_\_\_\_\_  
 1

## CHAPTER 71.

### An Ordinance Respecting the Assessment of Railways.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Annual  
statement  
of railway  
company to  
municipality  
and school  
district

1. Every railway company whose railway is not exempt from taxation shall annually transmit on or before the first day of February to the secretary treasurer of every municipality and to the secretary or other officer of every public school district through which the company's railway may run a statement to be signed by some authorised official of the company showing :

1. The quantity of land other than the roadway owned or occupied by the company which is liable to assessment ;

2. The quantity of the land occupied by the roadway. No. 7 of 1892, s. 1 ; No. 27 of 1895, s. 1 ; No. 38 of 1897, s. 40 (2, 3).

Lands to be  
assessed

2. The secretary treasurer of such municipality or the secretary of the school district as the case may be shall communicate such statement to the assessor of the municipality or school district as the case may be who shall assess the lands described therein as other lands within the municipality or school district and who shall deliver at or transmit by post to the nearest station or office of the company a notice addressed to such company stating the amounts at which the land of such company and the roadway and superstructure have been assessed. No. 27 of 1895, s. 2 ; No. 38 of 1897, s. 40 (4).

Roadway  
and super-  
structure  
assessment

3. Whether such statement in section 1 of this Ordinance is placed in the hands of the assessor of any such municipality or school district or not, the assessor of every municipality or school district as the case may be shall assess the lands of such railway company and the roadway thereof and the superstructure of such roadway and give such notice as is required by section 2 hereof.

Provided that the roadway and superstructure thereon shall not be assessed at a greater value than \$1,000 per mile. No. 27 of 1895, s. 3 ; No. 38 of 1897, s. 40 (5, 6).

Collection of  
taxes

4. Such taxes shall be payable to the municipality or school district as the case may be making such assessment and shall be collectable in the same manner as other taxes. No. 27 of 1895, s. 5.

Exemption

5. Railway companies shall not be liable for assessment in any school district or municipality in the Territories for the payment of any debenture indebtedness existing on the thirty-first day of December 1892. No. 7 of 1892, s. 3.



## CHAPTER 72.

### An Ordinance respecting Villages.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Village Ordinance.*" Short title No. 27 of 1898, s. 1.

#### INTERPRETATION.

2. In this Ordinance—

Interpretation

(1) The expression "voter" means any man, unmarried woman or widow of the full age of twenty-one years who resides within any village created or existing hereunder and who possesses, holds or occupies any land therein under any title.

(2) The expression "village" means and includes any village or unincorporated town heretofore organised as such and any village hereafter organised under the provisions of this Ordinance. No. 27 of 1898, s. 2.

#### ESTABLISHMENT OF VILLAGES.

3. Whenever the commissioner of public works is satisfied by such proof as he may require that any portion of the Territories (no part of which is within the limits of any incorporated city or town or rural municipality) contains not less than ten dwelling houses he may cause notices to be posted up in three conspicuous places within such area (one of which shall be the post office therein) that it is proposed to establish the same as a village after the expiration of thirty days from such posting. No. 27 of 1898, s. 3.

Notice of  
proposition  
to establish  
village

4. After the expiration of the said thirty days the Lieutenant Governor in Council unless a majority of the voters within the area aforesaid by petition addressed to him object may by order establish the said area as a village under the name of the post office therein and shall define its boundaries, fix a day for the election of an overseer and appoint one of the voters of the said village to act as returning officer at the election of such overseer. No. 27 of 1898, s. 4.

Establishment  
of village

#### OVERSEER.

5. The first election of overseer and all later elections shall be conducted as follows :

Proceedings  
on election  
of overseer

1. The returning officer shall by public notice posted in the post office and two other conspicuous places in the village at least one week before the election call a meeting of the voters

for the election of an overseer to be held on the day fixed therefor ;

2. Election meetings shall be called to commence at the hour of seven of the o'clock in the evening of the day appointed, or if such day be a Sunday or a holiday, on the next following day which is not a Sunday or holiday ;

3. Nominations may be made during the first half hour of the meeting ;

4. Male voters and no other persons shall be eligible for election as overseer ;

5. When the time for nomination has closed—

(a) If only one person has been nominated the returning officer shall declare such person to be elected overseer ;

(b) If more than one person has been nominated the returning officer shall at once proceed to take the vote of the meeting which shall be by open voting ;

6. Every person tendering his vote shall before his vote is received make and sign before the returning officer a declaration in form A in the schedule hereto ;

7. The returning officer shall declare elected the nominee having the largest number of votes ;

8. In case of an equality of votes the returning officer shall give the deciding vote but shall not vote otherwise. No. 27 of 1898, s. 5.

False  
declaration  
penalty

6. Any person wilfully making a false declaration as a voter shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$10. No. 27 of 1898, s. 6.

Return to  
commissioner  
of public  
works

7. The returning officer shall make a return to the commissioner of public works showing the result of the election and shall send therewith the declaration signed by the voters and his own declaration in form B in the schedule hereto. No. 27 of 1898, s. 7.

Overseer's  
bond

8. The person elected as overseer shall within five days of the declaration of his election deliver to the returning officer the bond of sufficient sureties in form C in the schedule hereto with an affidavit of justification indorsed thereon. No. 27 of 1898, s. 8.

Overseer

9. Until such bond is furnished the person elected shall not act as overseer. No. 27 of 1898, s. 9.

Another  
election on  
failure of  
overseer to  
give bond

10. If such bond is not delivered to the returning officer within such time he shall proceed to hold another election as soon as may be consistently with the giving of notice as herein provided.

(2) At the election so to be held the person making default in delivering such bond shall not be eligible for such election.

(3) The previous election shall become void on the election of another person under this section.

(4) Immediately on receipt of the bond the returning officer shall transmit it to the commissioner of public works.

(5) If a person is elected overseer in the place of one who has failed to furnish a bond the provisions of this and the two preceding sections shall be observed and followed as in the first instance. No. 27 of 1898, s. 10.

**11.** The first overseer elected in any village shall enter on his duties at once after furnishing his bond and shall hold office for the remainder of the calendar year in which he was elected and until his successor has furnished his bond. First overseer's term of office

(2) The overseer elected at elections subsequent to the first election shall hold office for the calendar year ensuing the day on which the election is required to be held hereunder and until his successor has furnished his bond. Term of office of subsequent overseer

(3) In case of a vacancy occurring in the office of overseer the Lieutenant Governor in Council may order another election or appoint an overseer for the unexpired term, in which latter case the Lieutenant Governor in Council may dispense with the overseer's bond otherwise required. No. 27 of 1898, s. 11. Proceedings in case of vacancy

**12.** The Lieutenant Governor in Council may if he sees fit remove any overseer from his office and appoint a commissioner in his stead and any such commissioner shall have all the powers of the overseer and such other powers in regard to the conduct of the village affairs as may by the Lieutenant Governor in Council be deemed proper and necessary. No. 27 of 1898, s. 12. Removal of overseer and appointment of commissioner

**13.** The election for overseer shall be held in each village on the second Monday in December in each year and for the purpose of such election the overseer shall appoint in writing before the first day of November in each year a returning officer; and should the person so appointed decline or be or become unable to act the overseer shall forthwith appoint another in his stead. Election of subsequent overseer

(2) The returning officer shall receive a fee of \$3. No. 27 of 1898, s. 13. Returning officer's fees

**14.** Whenever the due election of a person to be overseer or the sufficiency of the bond furnished by him is disputed, any voter may on depositing, within one month after declaration of the election, with the clerk of the Supreme Court for the judicial district wherein the village is situated (or the deputy clerk if the village is within a deputy clerk's district) the sum of \$50 as security for such costs as a judge may order him to pay and on alleging reasonable grounds therefor, obtain a rule *nisi* calling on the person elected to show cause why he should not be removed from the said office. Proceedings if election of overseer or sufficiency of bond disputed

(2) The judge may on the return of such rule dispose of the same summarily or direct that it be set down for trial of the questions raised thereby as an action in Court.

(3) Upon such summary disposal or trial the judge may order that the overseer be removed from the office and that another person be admitted thereto or another election held as justice may require and the judge may make such orders as are necessary for the carrying out of the judgment or order. Costs of the proceedings shall be in the discretion of the judge. No. 27 of 1898, s. 14.

#### MEETINGS OF VOTERS.

Annual  
business  
meeting

**15.** An annual business meeting of the voters shall be held in the village before the fifteenth day of April in each year which meeting shall be called by the overseer who shall give notice thereof for the period and in the manner required for election meetings. No. 27 of 1898, s. 15.

Statement by  
overseer at  
annual  
meeting

**16.** The overseer shall at the annual village meeting submit to the voters a statement of the estimated total expenditure of the village for the current year which shall include—

(a) The amount payable in such year on any debt contracted hereunder ;

(b) Drainage and street improvements ;

(c) Construction of sidewalks ;

(d) Fire protection and water supply ;

(e) Purchase of property for village purposes ;

(f) Scavenging ;

(g) Contingencies ;

(h) Remuneration of overseer. No. 27 of 1898, s. 16.

Order of  
business at  
annual  
meeting

**17.** At the annual meeting the order of business shall as nearly as possible be as follows :

1. The election of a chairman and secretary ;

2. The reading and dealing with—

(a) The minutes of last annual meeting ;

(b) The overseer's return provided for in section 40 hereof and the auditor's report ;

3. The consideration of the overseer's statement of estimated expenditure and deciding thereon ;

4. The election of an auditor and fixing his remuneration ;

5. Such other general business as may concern the village but not exceeding the powers given herein. No. 27 of 1898, s. 17.

Regulations  
for prevention  
of disease  
and protection  
from fire

**18.** The voters may at the annual meeting or at a special meeting duly called for the purpose, in addition to their other powers, make regulations further than those herein contained

for the general cleanliness of and prevention of disease in the village, including the employment and remuneration of a scavenger, and also for the protection of property from fire. No. 27 of 1898, s. 18.

**19.** The overseer may whenever he deems fit or upon being requested so to do by any five voters in writing giving the object of the meeting shall call a special meeting of voters; notice shall be given of all special meetings as in the case of the annual meeting but also stating the purpose of the meeting. No. 27 of 1898, s. 19.

#### ASSESSMENT AND TAXATION.

**20.** The necessary revenue of the village shall be raised by the levy of a yearly rate upon the property therein not exceeding ten mills on the dollar of the assessed value. No. 27 of 1898, s. 20.

**21.** The overseer shall forthwith after the annual meeting assess all real and personal property in the village not exempt from taxation under *The School Ordinance*, and shall prepare an assessment list shewing the name of each person assessed, the property in respect of which he is assessed and the assessed value. No. 27 of 1898, s. 21.

**22.** The overseer shall thereupon mail to or leave at the usual or last known place of abode of each person assessed written notice of the property in respect of which he is assessed and the amount, and shall make a note on the assessment list opposite the name of each person stating the manner and date of giving the notice. No. 27 of 1898, s. 22.

**23.** The overseer shall forthwith after the assessment make oath that such assessment was truly and honestly made and that the notices were given as stated in the assessment list; such oath shall be indorsed on the assessment list and shall be *prima facie* evidence that the assessment was duly made and that the notices were duly given. No. 27 of 1898, s. 23.

**24.** Any voter or person assessed may within one month after the mailing or delivery of the notice appeal to a justice of the peace from such assessment; the justice shall fix a place and a time within two weeks from the last day for giving notice at which he will hear appeals; all appeals shall be determined within one week after the time fixed for hearing them; the overseer shall amend his assessment in accordance with the decision of the justice; notice of appeal, stating the grounds thereof, and the time and place fixed by the justice for hearing the same, shall be given in writing by the appellant to the overseer and any other person affected. No. 27 of 1898, s. 24.

**25.** After the assessment has been completed and the appeals, if any, disposed of, the overseer shall strike such a rate not ex-

ceeding the amount mentioned in section 20 hereof as shall be sufficient to raise the amount of the estimated expenditure, making allowance for losses which may occur in the collection of taxes on the lands of non-residents. No. 27 of 1898, s. 25.

Tax list

Notices

Entry on  
tax list

Oath of  
overseer

Notice of  
assessment  
of property  
of unknown  
owners

Proceedings  
on default of  
payment of  
taxes  
Levy by  
distress

Recovery of  
taxes as debt

Taxes a  
special lien

Enforcement  
of lien

Poll tax

**26.** The overseer shall then prepare a tax list in which he shall set down the name of every person assessed, the assessed value of his property and the taxes payable by him as computed at the rate arrived at as hereinbefore provided; he shall then mail to or leave at the usual or last known place of abode of each person a notice stating the amount due by him and the property in respect of which it is due; the overseer shall make a note on the tax list opposite the name of each person stating the manner and date of giving the notice and shall make oath that the tax list is correct and that the notices were given as therein stated; such oath shall be indorsed on the tax list and shall be *prima facie* evidence of the truth of the statements contained in it. No. 27 of 1898, s. 26.

**27.** If the owners of any property in the village are not known to and cannot be ascertained by the overseer the notices of assessment and taxes shall be posted securely in a conspicuous place in the village and such posting shall be deemed due service. No. 27 of 1898, s. 27.

**28.** In case any person neglects to pay his taxes for thirty days after such notice as aforesaid the overseer shall by himself or his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same or of any goods or chattels in his possession wherever the same may be found in the village or of any goods or chattels found on the premises the property of or in the possession of any other occupant of the premises and may impound the same on the premises where distrained and no claim of property lien or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds of the sale thereof. No. 27 of 1898, s. 28.

**29.** Taxes may be recovered with costs as a debt due to the overseer in which case the production of the tax list shall be *prima facie* evidence of the debt. No. 27 of 1898, s. 29.

**30.** The taxes accruing upon or in respect of any land in the village shall be a special lien upon such land having priority over any claim, lien, privilege or encumbrance thereon and such special lien may, after the taxes for two years have become in arrear, be enforced and all accrued taxes realised by sale of the lands by the overseer under and subject to the direction of a judge of the Supreme Court. No. 27 of 1898, s. 30.

#### POLL TAX.

**31.** Except members of the North-West Mounted Police force or of any fire company duly organised in the village every

male inhabitant thereof of the age of eighteen years or over who has resided in the village for a period of nine months and is not assessed for property in the village shall be taxed \$1.25 yearly which shall be payable on demand of the overseer and may be recovered in such of the modes provided for collection of the other taxes in the village as may be applicable; any person refusing or neglecting to pay such tax shall on summary conviction thereof be liable to a penalty of \$2. No. 27 of 1898, s. 31.

Recovery  
Penalty for nonpayment

#### DOG TAX.

**32.** Every person who keeps or harbours any dog or bitch shall pay a yearly tax of \$1 for each dog and \$2 for each bitch so kept or harboured; such tax shall be payable on demand of the overseer and may be recovered in such mode herein provided for the collection of taxes as may be applicable; if the tax is not paid after demand of the overseer he may cause the dog or bitch to be destroyed; any person refusing or neglecting to pay such tax shall on summary conviction thereof be liable to a penalty of \$2. No. 27 of 1898, s. 32.

Dog taxes  
Recovery

#### HAWKERS AND PEDLERS.

**33.** No person shall follow the calling of a hawker or pedler in any village without first having obtained the written permission of the overseer and having paid to such overseer the sum of \$5 to form part of the village fund.

Hawkers and pedlers to be licensed

(2) Such sum shall be in addition to any Territorial license fee and shall entitle the person paying the fee to follow the business of a hawker or pedler in such village for the six months next ensuing the date of such written permission. No. 27 of 1898, s. 33.

#### VILLAGE EXPENDITURE.

**34.** The funds of the village may from time to time be expended by the overseer for the purposes and in accordance with the estimates as passed at the annual meeting and subject to such further directions as may at any special meeting be made regarding the same. No. 27 of 1898, s. 34.

Expenditure by overseer

**35.** The overseer may incur any debt not exceeding \$100 for village purposes pending the collection of taxes; all debts shall subject to the provisions herein contained be paid before the thirty-first day of December in each year. No. 27 of 1898, s. 35.

Overseer may incur limited debt pending collection of taxes

**36.** The overseer may subject to the vote of two-thirds of the voters present at the annual meeting or at a special meeting called for the purpose of considering the same and after receiving the approval of the commissioner of public works incur a debt on behalf of the village not exceeding \$500, payable at a date not later than five years from the incurring of the obligation, for fire appliances or permanent improvements in the vil-

Limited debt may be incurred for fire appliances or permanent improvements

lage ; the moneys payable in each year on any such debt shall be a first charge on the taxes collected in the village in such year. No. 27 of 1898, s. 36.

#### SUITS BY OR AGAINST VILLAGE.

Suits by or  
against  
village

**37.** Suits by or against the village may be brought by or against the overseer as representing the village. No. 27 of 1898, s. 37.

Enforcement  
of judgment  
against  
village

**38.** In the event of judgment being obtained against the overseer for any liability of the village it may be enforced by execution rate levied by the sheriff in the manner provided for like cases in *The Municipal Ordinance*. No. 27 of 1898, s. 38.

#### OVERSEERS' DUTIES AND POWERS.

Duties and  
powers of  
overseer

**39.** The overseer shall have the following duties and powers:

1. He shall carry out the orders of the voters as expressed at the annual or any special meeting of the voters in respect of public works and expenditure of village funds and such general orders as may be given upon matters concerning the village;

2. He shall enforce the provisions of this Ordinance and all regulations made thereunder ;

3. He shall make such regular inspection of premises in the village as may be necessary to carry out the provisions herein respecting nuisances and the prevention of disease and of fire ;

4. He shall have charge of all village property ;

5. He shall keep a record of all taxes levied and collected and of all moneys received and expenditures made by him and give and take receipts for all moneys received or paid out by him as the case may be ;

6. He shall keep or cause to be kept full and accurate minutes of each village meeting other than election meetings which minutes shall record by whom all motions were moved and seconded and the result of them ;

7. He shall have the public improvements estimated in each year completed before the first day of November in each year ;

8. He shall on application in reasonable hours produce to the auditor for inspection all books, accounts, minutes, lists and records of the village ;

9. He shall impound or cause to be impounded animals running at large. No. 27 of 1898, s. 39.

#### ANNUAL RETURN OF OVERSEER.

Annual return  
by overseer

**40.** The overseer shall on or before the first day of December in each year render to the commissioner of public works a return in writing shewing—

(a) Amount of money collected ;



- (b) The amount expended and for what purposes showing balance on hand ;
- (c) The outstanding liabilities if any of the village ;
- (d) The names of all those who have been convicted for a breach of this Ordinance, or of any regulation made hereunder, in his village, stating penalty imposed and the name of the convicting justice ;
- (e) A list of taxes unpaid giving names of persons in default.

(2) The overseer shall submit a copy of such account to the voters at the annual business meeting. No. 27 of 1898, s. 40.

#### ANIMALS RUNNING AT LARGE.

**41.** The voters may at any meeting resolve that animals shall not be permitted to run at large in the village or in any part thereof in or during any period of the year. Running at large of animals may be forbidden

(2) Whenever the voters have so resolved, no horse, mule, jack, cattle, sheep, swine, goat, goose or other poultry shall be permitted in or during such period to run at large in the village or such part thereof and it shall be the duty of the overseer to appoint a poundkeeper whose duty it shall be to keep and maintain a pound in the village for the impounding of estray animals of the description aforesaid. Overseer to appoint poundkeeper

(3) In so far as they are not inconsistent herewith the provisions of *The Pound District Ordinance* shall apply and be followed and observed in all respects as if such village were a pound district under said Ordinance. Pound District Ordinance to apply

(4) The overseer shall when any resolution is passed as provided in this section notify the commissioner of agriculture of the same. No. 27 of 1898, s. 41. Overseer to notify commissioner of agriculture

#### PREVENTION OF DISEASE.

**42.** For the prevention of disease the following regulations shall be observed in each village : Precautions for prevention of disease

1. Privy pits shall be emptied and disinfected with lime between the first day of April and the fifteenth day of November in each year ;

2. No privy pit shall be allowed to become offensive at any time ;

3. No privy pit shall be within fifty feet of any well ;

4. Where dry earth closets are ordered by resolution of a village meeting no privy pit shall be used ;

5. No person shall deposit or cause to be deposited in any place other than in a stable yard any manure, filth, rubbish or decaying animal or vegetable matter ;

6. Stable yards shall be cleaned during the first week of every month from the first day of May until the seventh day of November in each year ;

7. All garbage, swill, slops and other rubbish shall be placed in suitable receptacles and removed regularly every week between the first day of May and the first day of November in each year;

8. No stable yard shall be allowed to become offensive at any time because of decaying animal or vegetable matter ;

9. No swine shall be kept except in pens at least one hundred feet distant from any occupied house or place of business;

10. Swine pens shall be kept dry and free of offensive odor ;

11. Foul water shall not be allowed to accumulate on any property ;

12. Any person contravening any of the provisions of this section shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$10. No. 27 of 1898, s. 42.

#### PREVENTION OF FIRE.

Precautions  
for prevention  
of fire

**43.** For the prevention of fire the following regulations shall be observed in each village :

1. No person shall keep on any premises a larger quantity of gunpowder or other explosive than twenty-five pounds. Quantities greater than twenty-five pounds shall be stored at least one hundred feet from any building ;

2. No person shall keep on any premises a greater quantity of kerosene than three barrels thereof except it be stored at least sixty-six feet from any building ;

3. No person shall have or erect on any premises any building built in whole or in part of manure, hay or straw or place on the roof of any building any manure, hay or straw unless such building is at least one hundred feet distant from any other building ;

4. No person shall have any stack of grain, hay or straw on any premises within two hundred feet of any building ;

5. No person shall enter any stable or barn with any candle or lamp not enclosed in a lantern ; nor with a lighted pipe, cigar or cigarette ;

6. No person shall set out fire within fifty feet of any building ;

Provided that any blacksmith may build a fire within fifty feet of his shop for the purposes of his trade ;

7. No person shall deposit any ashes in any wooden container unless it be lined with metal ;

8. All ovens and furnaces shall be properly connected with a chimney of brick, stone or concrete at least three feet higher than the building in which such oven or furnace is built ;

9. There shall be a space of at least nine inches between any stovepipe and any partition or floor through which it passes unless such stovepipe be surrounded in such partition or floor by a thimble of brick, cement or concrete at least two

inches in width and of the full thickness of such partition or floor; and every such stovepipe shall be inserted into a chimney of brick, stone or concrete;

10. At least twelve inches shall intervene between any stove in use and the partition or wall nearest thereto;

11. Every proprietor of any house more than one storey high with a roof having a pitch greater than one foot in three shall keep a ladder on such roof near the chimney thereof;

12. Any person contravening any of the provisions of this section shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$10. No. 27 of 1898, s. 43.

#### REMUNERATION OF OVERSEER.

**44.** The remuneration of the overseer shall be fixed at the annual meeting but shall not be more than \$100 nor less than \$15 together with 2½ per cent. of all taxes collected by him and the overseer may retain his said remuneration at the expiration of his term of office out of the moneys then in his hands. No. 27 of 1898, s. 44. Remuneration of overseer

#### AUDIT, ETC.

**45.** At the expiration of the term of office of any overseer or upon his ceasing to hold office for any cause all books, accounts, records, lists, vouchers, moneys and other property of the village shall be examined by the auditor and handed over to the successor in office of such overseer; the auditor shall make a full report thereon to the next meeting of the voters. No. 27 of 1898, s. 45. Audit of overseer's books, etc., and delivery to new overseer  
Auditor to report

#### OFFENCES AND PENALTIES.

**46.** Any overseer neglecting or refusing to render a true and correct account as and when required herein or refusing or neglecting to hand over to his successor in office any property of the village as directed by the foregoing section shall be guilty of an offence and shall be liable on summary conviction thereof to a penalty not exceeding \$50. Penalties

(2) Any overseer neglecting or refusing to discharge any other duties under this Ordinance shall be guilty of an offence and liable to a penalty not exceeding \$25.

(3) Any person contravening any provision of this Ordinance for which contravention no penalty is therein provided or any judgment, order or regulation given or made under this Ordinance, shall be liable on summary conviction thereof to a penalty not exceeding \$25.

(4) Fines imposed for the infraction of this Ordinance or of any regulation made hereunder shall be paid to the overseer to form part of the village funds. No. 27 of 1898, s. 46. Disposition of fines

## HAMLETS.

Provisions  
respecting  
prevention of  
fire and  
disease to  
apply to  
hamlets

**47.** The provisions of this Ordinance respecting prevention of fire and disease shall as well as to villages existing hereunder apply to every place in which five or more occupied dwellings are within any area not exceeding half a square mile and which is not included within the limits of an incorporated town or city. No. 27 of 1898, s. 47.

## TITLE TO REAL ESTATE.

Real estate to  
be vested in  
Lieutenant  
Governor

**48.** The title of any real estate owned or purchased or otherwise acquired by any village shall be vested in the Lieutenant Governor who shall hold the same for the purposes of the village. No. 27 of 1898, s. 48.

## ALTERATION OF BOUNDARIES.

Alteration of  
boundaries

**49.** The Lieutenant Governor in Council may alter the boundaries of any village and add or take from the area of the same. No. 27 of 1898, s. 49.

## NOTICE OF MEETINGS.

Publication  
of notices

**50.** Any notice required by this Ordinance for calling meetings may be published in any newspaper published in such village instead of being posted as elsewhere provided herein. No. 27 of 1898, s. 50.

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SCHEDULE.

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FORM A.

I *A.B.*, hereby declare that I am of the full age of twenty-one years; that I reside within the village of \_\_\_\_\_ and that I possess, hold or occupy land within the said village and (*in case of a female* I am an unmarried woman *or* a widow *as the case may be.*)

Sgd.



AFFIDAVIT OF JUSTIFICATION TO BE INDORSED ON BOND.

We \_\_\_\_\_ and \_\_\_\_\_ the sureties in the within bond named, do severally make oath and say as follows:

1. I, the said \_\_\_\_\_ for myself say that I am worth property situate in the North-West Territories to the value of three hundred dollars over and above what will pay all my just debts and over and above the exemptions allowed by law.

2. And I the said \_\_\_\_\_ for myself say that I am worth property situate in the North-West Territories to the value of three hundred dollars over and above what will pay all my just debts and over and above the exemptions allowed by law.

The above named  
and                      were }  
severally sworn before me at }  
                day of         this }  
  1 }

N.P. or J.P.

## CHAPTER 73.

### An Ordinance respecting Local Improvement.

THE Lieutenant Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

#### SHORT TITLE.

1. This Ordinance may be cited as *The Local Improvement Ordinance*. No. 10 of 1897, s. 1; No. 28 of 1898, s. 19. Short title

#### INTERPRETATION.

2. In this Ordinance, unless the context otherwise requires— Interpretation

1. The expression "resident" means any owner or occupant of land, over eighteen years of age, residing in the area established or proposed to be established as a local improvement district; "Resident"

2. The expression "person" includes corporations, joint stock companies and partnerships; "Person"

3. The expression "year" means the twelve months commencing on the fifteenth day of March in any year and ending on the fourteenth day of March in the following year (both days inclusive); "Year"

4. The expression "commissioner" means the commissioner of public works; "Commissioner"

5. The expression "district" means any local improvement district organised or constituted as such at the date of the coming into force of this Ordinance and any local improvement district hereafter organised or constituted under the provisions hereof; "District"

6. The expression "overseer" means the overseer of a local improvement district duly elected or appointed under the provisions of this Ordinance. No. 10 of 1897, s. 2; No. 28 of 1898, s. 1. "Overseer"

#### ORGANISATION AND REORGANISATION.

3. The Lieutenant Governor in Council may by Order (notice of which shall be published in the official gazette) constitute any portion of the Territories into a district and give the same a distinctive number: What districts may be organised

Provided that no part of a district shall be within the limits of a municipality or village created under *The Village Ordinance*;

Provided also that no district shall be erected unless there shall be a population residing within such proposed district in the proportion of one resident to each three square miles of area;

Provided further that no district shall be erected containing a population of less than twelve residents ;

Provided further that no district shall comprise an area greater than seventy-two square miles.

Notice to  
be given

(2) Before constituting any district a notice of intention to do so shall be published in the official gazette and posted in at least one post office within such proposed district (or if there be no post office in such district then in the post office nearest thereto) at least thirty days prior to making such order.

To whom  
addressed

(3) Such notice shall be addressed to the postmaster at such post office enclosed in a registered cover ; and all the requirements of this Ordinance respecting the posting of notices shall be held to be completed at the expiration of twenty-four hours after the first mail carrying such notice is scheduled to reach the post office to which the notice is directed. No. 10 of 1897, s. 3.

How districts  
may be  
reorganised

4. Where a district has been organised the commissioner may order the reorganisation or subdivision of such district in the manner which he may consider to be to the best interests of the residents of such district ; and notice of such reorganisation or subdivision shall be published in the official gazette :

Proviso

Provided always that every subdivision of any district shall contain a population in the proportion as fixed by section 3 of this Ordinance.

Division of  
property on  
reorganisation

(2) When any district has been reorganised or subdivided as provided by the subsection next preceding, the commissioner shall order such division of the funds and property of the original district to be made between the two or more new districts as he may see fit.

Districts may  
be enlarged

(3) When he deems it expedient to do so the commissioner may order that the area of any district shall be increased ; and notice of such increase in area shall be published in the official gazette :

Proviso

Provided however that the area of the enlarged district shall not exceed seventy-two square miles and that the district so enlarged shall contain a population as fixed by section 3 of this Ordinance.

Road  
allowances

(4) The road allowances within and surrounding a district shall form part of the district.

Boundary  
road  
allowances

(5) When a road allowance forms the boundary between two adjoining districts such road allowance shall be held to be a part of both districts and one or both of them shall have charge of improvements to be made upon such road allowance according to such mutual arrangements as may be made between them.

Disorgani-  
sation

(6) Should it be made to appear to the satisfaction of the commissioner that any district constituted under the provisions of this Ordinance did not contain at the time such district was organised the population provided for in section 3 of this Ordinance, the Order creating the district may be can-



celled ; and notice of the cancellation of such Order shall be published in the official gazette :

Provided however that should there be the necessary population in the district as in section 3 mentioned at the date when the disorganisation of the district is asked for the district shall be maintained as constituted. No. 10 of 1897, s. 4 ; No. 28 of 1898, s. 2.

#### ELECTION OF FIRST OVERSEER.

**5.** The Lieutenant Governor in Council shall name in the Order constituting the district such person as he may see fit to act as returning officer for the first election of an overseer in the district. Nomination of returning officer

(2) Should the person so named as returning officer refuse or neglect or be unable from any cause to act in that capacity the commissioner shall appoint such other person as he may deem fit to act as returning officer in the place of the person named by the Lieutenant Governor in Council. Where person nominated does not act

(3) The person so named or appointed shall by notices posted up in four widely separated and conspicuous places within the district (one of which shall be the post office if there be one within the district) call a meeting of the residents of the district for the election of an overseer at a time and place to be stated in the said notices ; such time not to be earlier than the tenth day or later than the fifteenth day after the day on which the said notices were posted ; and the residents at such meeting shall elect by open voting one of their number as overseer. Calling of meeting

(4) All expenditure in connection with such meeting shall be defrayed out of the funds of the district as hereinafter provided. No. 10 of 1897, s. 5. Cost of meeting, how to be defrayed

**6.** At the first or any subsequent election of overseer every resident who has actually resided in the district for the period of one month immediately prior to the election may vote but prior to voting shall sign a declaration before the returning officer in form A in the schedule to this Ordinance and record his vote as provided in such form. Conduct of poll

(2) The poll shall be opened at ten o'clock in the forenoon and shall be kept open until noon.

(3) Any person wilfully signing such declaration knowing that the statements he thereby makes are not true shall be guilty of an offence and liable on summary conviction to a penalty of \$10.

(4) The returning officer (if he is a resident of the district) may vote during the polling at the election of an overseer ; and in the case of a tie shall give a casting vote in favour of one of the candidates, of which he may be one provided he is a resident of the district. When returning officer may vote

(5) In the case of any failure on the part of the residents to elect an overseer, the commissioner may appoint such person In case of failure to

elect overseer  
appointment  
may be made

as he may see fit as overseer for the district; and notice of the appointment of such person shall be published in the official gazette. No. 10 of 1897, s. 6; No. 28 of 1898, s. 3.

Disputed  
election of  
overseer

7. Whenever the due election of a person to be overseer is disputed, the commissioner may (upon receiving the complaint of any resident verified by the solemn declaration of the complainant and two other residents) investigate the matter and render such decision in and about the same as to him shall appear proper.

(2) The decision of the commissioner shall be final and shall be observed and obeyed by all persons concerned.

(3) Any person disobeying any such decision shall be liable on summary conviction thereof to a penalty not exceeding \$50. No. 28 of 1898, s. 17.

#### PROCEDURE AT MEETING AFTER ELECTION OF OVERSEER.

Returns  
of election

8. Immediately after the election of an overseer the returning officer shall make his return to the commissioner, accompanying it with a record of the voters, having first verified such record by a statutory declaration as in form B in the schedule to this Ordinance. No. 10 of 1897, s. 7.

Returning  
officer to  
preside

9. At a meeting called for the purpose of electing an overseer and after the overseer has been elected as provided, the returning officer shall continue to preside as chairman and shall receive motions which must be handed to him in writing with the names of a mover and seconder subscribed thereto.

Motions, how  
to be made  
and voted  
upon

(2) The chairman shall put such motions to the meeting and the majority of the residents shall decide by a show of hands whether or not the motion shall carry. No. 10 of 1897, s. 8.

Minutes  
to be kept

10. The chairman shall provide a minute book in which he shall keep or cause to be kept a record of the meeting, which record shall state in full the motions made, by whom they were moved and seconded, and whether they were carried or defeated.

(2) The meeting shall decide on the following subjects:

Auditor to  
be elected

1. The election of an auditor, whose duty shall be to audit all accounts for the district and to assist the overseer to make out returns that are to be sent to the commissioner and to report to the next annual meeting;

Improvements

2. Where improvements are to be made;

Implements to  
be purchased

3. What scrapers or other implements are to be purchased for the use of the district, (which shall be the property of the district) or to be purchased jointly with any other district upon conditions to be approved at the meeting held in each district.

Failure to  
decide upon

(3) Should the residents at the meeting provided for in the next preceding section fail to decide upon the work to be

undertaken by the district, then the overseer shall (subject to the approval of the commissioner) prepare a list of work which he may consider necessary to be performed in the district. No. 10 of 1897, s. 9.

**11.** The majority of the residents of any district at the meetings held under the provisions of this Ordinance may decide by a majority vote that part or the whole of the improvements to be undertaken by the district shall be made outside the district on a work that benefits such district, and that moneys the property of the district in the hands of the overseer may be expended outside the district on a work that benefits such district; and the overseer shall only direct such work to be done as may be decided by a majority of the residents.

(2) The whole or any part of the work to be undertaken by any district may (when so directed by a majority of the residents at the said meeting) be the destruction of noxious weeds on unoccupied lands in or adjoining the district; and any moneys the property of the district in the hands of the overseer may (on the authority of such meeting) be expended for the same purpose.

(3) If any accident happens to any public work in the district which requires an immediate outlay for the repair thereof or on any other occasion when any expenditure is urgently and immediately required, the overseer may without the sanction of a public meeting make such outlay or expenditure out of the funds of the district:

Provided that no such outlay or expenditure shall exceed in any case the sum of \$25. No. 10 of 1897, s. 10.

#### OVERSEER'S TERM OF SERVICE.

**12.** Every overseer elected or appointed in accordance with the provisions of this Ordinance shall hold office for the remainder of the year during which he was elected or appointed and for the year following and until his successor is elected or appointed unless the position becomes vacant through death, resignation, removal from the district or otherwise; and in the event of the position becoming so vacant and upon being so advised the commissioner shall appoint such resident of the district as he may designate to post notices calling a public meeting of the residents of the district to fill such vacancy by the election of an overseer. No. 10 of 1897, s. 11.

#### ANNUAL MEETING.

**13.** An annual meeting of the residents of the district shall be held between the fifteenth day of March and the seventh day of April in each year, on some day not a Sunday or holiday. The meeting shall be called by the overseer who shall (at least ten days before the date fixed for holding the meeting) post notices in at least four widely separated and conspicuous

places in the district (one of which shall be at the school house or post office in the district if there be one) giving the place, date and hour of the meeting.

(2) The residents present at the meeting shall elect one of their number to be chairman and the provisions of sections 9 and 10 hereof shall apply to such meeting. No. 28 of 1898, s. 4.

When  
overseers are  
to be elected

**14.** The first business transacted at the meeting called under the provisions of section 13 hereof in the last year of the term of any overseer shall be the election of an overseer to hold office under the provisions of section 12 of this Ordinance. No. 10 of 1897, s. 13.

#### ASSESSMENT OF DISTRICT.

Assessment  
to be made  
by overseer

**15.** It shall be the duty of the overseer on or before the first day of March in each year to assess every person the owner or occupant of land situate in the district as follows :

- (a) For any lot or lots, parcel or parcels of land so owned or occupied not exceeding in the aggregate 160 acres, \$2.50 ;
- (b) For every 40 acres of land so owned or occupied over and above the first 160 acres, 62½ cents. No. 10 of 1897, s. 14 ; No. 28 of 1898, s. 5.

Assessment  
roll

**16.** The overseer shall on or before the first day of March in each year make out a district assessment roll in which he shall set out as accurately as may be after diligent inquiry the following information :

- (a) Each lot or parcel of land owned or occupied within the district, and the number of acres it contains ;
- (b) The name of the person assessed on account of each such lot or parcel of land and the amount of the assessment :

Owner not  
known

(2) If the overseer does not know and cannot after reasonable inquiry ascertain the name of the owner of any property in the district, the same shall be deemed to be duly assessed if entered on the roll with a note thereon by the overseer that the owner is unknown. No. 10 of 1897, s. 15 ; No. 28 of 1898, s. 6.

Omission of  
names from  
roll

**17.** If any property which should have been assessed has been omitted from the assessment roll the overseer shall on discovery of the omission (if within two months from the posting of the roll as herein provided) assess such property and make the necessary additions to the roll. No. 28 of 1898, s. 7.

Copies of roll  
to be made  
public

**18.** Upon completion of the assessment roll the overseer shall post a copy of the same at the school house or post office if there is one situate within the district or (if there is no such school house or post office) in a conspicuous place in the dis-

trict; and if he deem it expedient to do so the overseer may mail to each non-resident land owner within the district a notice of his assessment. The overseer shall keep the original assessment roll at his residence open to inspection. No. 10 of 1897, s. 17; No. 28 of 1898, s. 8.

**19.** Any person who feels himself aggrieved by the tax assessed by the overseer may appeal within five days from such assessment by handing notice of such appeal in writing to the justice of the peace nearest the residence of the overseer; and such justice shall thereupon notify the overseer of the time and place when such appeal will be heard; and the finding of the justice upon such appeal shall be final. No. 10 of 1897, s. 18; No. 28 of 1898, s. 9.

Appeals  
against  
assessment

#### COMMUTATION.

**20.** Every person shall pay the whole amount for which he is assessed; but any person may elect to commute for the same (or for some part thereof) at the rate of one day's work for each \$1.25 of the assessment. No. 10 of 1897, s. 19.

Payment of or  
commutation  
for assessment

**21.** Every person intending to commute by day labour for his assessment or any part thereof shall (within fifteen days after notice of his assessment has been given in the manner herein provided) notify the overseer of his intention to do so; and shall commence work within five days after he is notified to do so by the overseer; and the commutation shall not be considered as made until such work is completed.

Notice of  
intention to  
commute to  
be given to  
overseer

(2) If a person who has given notice of his intention to commute does not commence work at the time at which he has been notified to do so or if having commenced he shall not forthwith complete the work assigned him he shall forfeit the right to commute and shall be liable to pay taxes in the same manner as if he had not elected to commute.

(3) If any person make default as in the preceding subsection mentioned he shall be liable to pay to the overseer for the district the sum of \$2.50 in addition to the taxes payable by him. No. 10 of 1897, s. 20; No. 28 of 1898, s. 10, 11.

**22.** The overseer shall give five days' notice in writing to commence work to each person assessed who elects to commute his assessment by labour, naming in such notice where and when such person is required to work and with what implements:

Notice of  
commence-  
ment of work  
to be given  
by overseer

Provided that no assessed person shall be obliged to go to work at a place further than three miles in a direct line from his residence, unless he has given his consent thereto in writing. No. 10 of 1897, s. 22.

**23.** The overseer is empowered to require cart or waggon, plough or scraper, with a pair of horses, mules or oxen and a man, from any person having the same within his district who has been assessed \$2.50 or more and who has elected to com-

What animals  
or implements  
may be  
required  
by overseer

mute his assessment by day labour; and any person so furnishing the same shall be credited with \$2.50 for each day's service therewith. No. 10 of 1897, s. 23.

Assessment  
commuted  
for may be  
worked by  
substitute

**24.** Every person assessed who elects to commute his assessment by labour may appear in person or by an able bodied man as a substitute; and the person or substitute so appearing shall (subject to the orders of the overseer) actually work eight hours in each day. No. 10 of 1897, s. 24.

Overseer not  
empowered to  
accept excuse  
for failure  
to do work

**25.** The acceptance by the overseer of any excuse for refusal or neglect shall not in any case exempt the person excused from working the whole number of days for which he has elected to commute his assessment. No. 10 of 1897, s. 25.

#### GENERAL PROVISIONS.

First charges  
on moneys  
belonging to  
the district

**26.** The expenses connected with the erection of any district and the expenses of advertising and holding the meeting of residents for the first election of the overseer of such district (in which the sum of \$5.00 to be paid to the returning officer for posting notices, calling the said meeting and directing and holding such election shall be included) and the remuneration of the overseer as hereinafter provided, shall be a first charge upon the taxes and fines collected by the overseer; and the balance shall be expended by the overseer in the improvement of roads, the construction of bridges, culverts or dams, the destruction of noxious weeds on unoccupied lands or in making fireguards in the district. No. 10 of 1897, s. 26.

Overseer's  
work and  
remuneration

**27.** The overseer shall work out his assessment in the superintendence of the work required in the district and shall receive \$2 for every additional day he is employed, to be paid out of any moneys the property of the district in his possession.

Foreman  
of works

(2) When he deems it expedient to do so, the overseer may nominate some resident who has elected to commute his assessment by labour as foreman of the work to be performed in any particular part of the district.

Works to be  
carried on in  
accordance  
with manual  
of instructions

(3) All work performed in the district in connection with the grading of or repairs to roads or the construction and repairs of bridges, culverts, dams and drains shall be performed in accordance with a manual of instructions for the guidance of overseers or foremen, to be prepared and issued under the authority of the commissioner. No. 10 of 1897, s. 27.

Commuted  
labour when  
to be worked

**28.** The overseer shall have all the labour in his district for which taxes are commuted worked out and expended previous to the twenty-fourth day of July in each year.

Special  
provision

(2) By a vote of two-thirds of the residents at the annual meeting called as provided in section 13 of this Ordinance, it may be decided that a specifically described portion of the district assessment shall be expended upon works of public

benefit at any other time of the year; and in such case the meeting shall fix the time or times at which such work or works are to be performed. No. 10 of 1897, s. 28.

**29.** The overseer shall provide a book in which he shall keep a record of all property belonging to the district. No. 10 of 1897, s. 29. Record of property

#### RETURNS TO COMMISSIONER.

**30.** The overseer shall, between the first day of August and the first day of September in each year, make up a statement in writing on forms to be provided by the commissioner, containing the information required by subsection 2 of this section; and he shall allow any residents who may wish to inspect the said statement to do so and to make a copy thereof or extracts therefrom on any day (except Sundays or statutory holidays) from the said first day of September till the fourteenth day of the same month, between the hours of ten o'clock in the morning and four o'clock in the afternoon; and he shall then send the said statement duly verified by statutory declaration not later than the first mail day after the fourteenth day of September, to the commissioner. Annual return of assessment and work done, etc.

(2) The said statement shall contain the following detailed information :

1. The names of all persons assessed in the district with the amount of the assessment, describing the land owned or occupied by each person ;

2. The names of all persons who have commuted their assessment by work in the district and the number of days they have worked ;

3. The names of all those who have been fined and the sums in which they have been fined, together with the names of the convicting justices of the peace and the various amounts collected ;

4. The names of all those who have paid their taxes and the amounts so paid, together with a statement of any other revenue the district may have obtained during the year, and the manner in which all moneys belonging to the district have been expended ;

5. The names of all persons and residents who have not paid their taxes or commuted for the same by day labour and upon whose land the said tax is due and remains unpaid. No. 10 of 1897, s. 30.

**31.** The overseer of every district shall in the first fifteen days of January in each year make a return, verified by his solemn declaration, to the commissioner, in such form as may by the commissioner be from time to time directed, showing all lands upon which taxes have been imposed and upon which Return of unpaid taxes

wholly or in part the said taxes are overdue and unpaid for at least the two years ending the thirty-first day of December next preceding.

When taxes  
are due

(2) For the purpose of this section all taxes shall be held to be due on the first day of January of the calendar year within which the same are imposed. No. 10 of 1897, s. 31; No. 28 of 1898, s. 13.

#### RECOVERY OF TAXES.

Taxes a lien

**32.** The taxes accruing upon or in respect of any land in the district shall be a special lien upon such land having priority over any claim, lien, privilege or incumbrance thereon. No. 28 of 1898, s. 14.

Suit for taxes

**33.** Any taxes or arrears of taxes due to a district may be recovered by suit in the name of the overseer for the time being as a debt due to the district, in which case the assessment roll shall be *prima facie* evidence of the debt. No. 28 of 1898, s. 15.

Distress  
for taxes

**34.** In case any person neglects to pay his taxes for two months after notice has been given of his assessment the overseer shall by himself or his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same or of any goods or chattels in his possession wherever the same may be found in the district or of any goods or chattels found on the premises the property of or in possession of any other occupant of the premises and may impound the same on the premises where distrained and no claim of property, lien or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds of sale thereof. No. 28 of 1898, s. 16.

Returns to  
be produced  
to judge

**35.** On production of the return mentioned in section 31 hereof by the attorney general of the Territories (or some advocate authorised by him) to a judge of the Supreme Court in chambers, such judge may appoint a time and place for confirmation of the said return, notice of which shall be published in every issue of the official gazette for at least two months, and such further or other notice of the appointment shall be given as the judge shall direct. No. 10 of 1897, s. 32.

Adjudication  
by judge

**36.** At the time and place so appointed the judge shall hear the application and also any objecting parties and the evidence adduced before him; and thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default; and report the adjudication to the said attorney general; and shall also confirm the return as to such parcels on which any taxes are determined to be in arrear for over two years, naming the amounts severally and adding thereto a reasonable amount for the expense of advertising together with such sum as he may fix for costs of the application; and the effect of such adjudication shall be to vest in the



Crown for the public use of the Territories the said lands, subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by payment to the commissioner of the amounts named (including expenses as aforesaid) together with a redemption fee of five cents for each and every acre in the parcel so redeemed and any subsequent taxes paid by the commissioner; and in the event of any person successfully opposing confirmation as to the land he is interested in the judge may order an allowance to him as witness fees to be paid by the commissioner.

(2) The filing of a copy of such adjudication certified by the commissioner in the land titles office of the land registration district in which the lands named in the adjudication or any of them are, shall be notice to the public of the facts contained therein. No. 10 of 1897, s. 33. Filing copy of adjudication in land titles office

**37.** At any time after the expiration of the year last named, on *ex parte* application by the attorney general or his appointee and production of the last named adjudication together with such proof of non-redemption as the judge may require, the judge by order in chambers may direct that the title to such of the land named in the adjudication as has not been redeemed by the owner, be absolutely vested in Her Majesty freed from all liens, mortgages and incumbrances of whatever nature and kind the same may be. Redemption

(2) The registrar of titles of the land registration district in which the land lies shall do every act necessary to give effect to the order. No. 10 of 1897, s. 34.

**38.** So soon as the report of the overseer has been confirmed, the commissioner shall pay to the overseer the amount of taxes adjudged in arrear on each parcel of land deducting therefrom any charges he may have been required to pay; and thereafter yearly while owned by Her Majesty the said land shall be assessed in the name of the commissioner who shall pay taxes as if the land were assessed to an ordinary individual. No. 10 of 1897, s. 35. Payment of taxes on confirmation of return

#### PENALTIES.

**39.** Any overseer who—

- (a) After having accepted office (whether on election thereto by the residents of the district or appointment by the commissioner) refuses or neglects to discharge the duties of his office; or
- (b) Neglects or refuses to render true and correct returns when required to do so under the provisions of any Ordinance of the Territories; or
- (c) Neglects or refuses to discharge any liability of the district while in the possession of sufficient moneys the property of the district to enable him to do so; or

Overseer's liability in certain cases

- (d) Neglects or refuses to hand over to his successor on demand therefor all the moneys, books, papers and other property of the district in his possession :

shall (in addition to any civil liability which he may thereby incur) be guilty of an offence and be liable on summary conviction thereof to a penalty not exceeding \$50. No. 10 of 1897, s. 36.

Resident's  
liability in  
certain cases

**40.** Any resident of a district who refuses to pay his assessment or who after having elected to perform work in commutation of any assessment under the provisions of this Ordinance neglects or refuses to perform the same when and where directed by the overseer or by the foreman nominated by the overseer as hereinbefore provided, shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$50.

(2) Such fine when recovered shall be paid to the overseer for the use of the district. No. 10 of 1897, s. 37.

#### MISCELLANEOUS.

Property to be  
handed over  
by overseer  
to successor

**41.** At the expiration of the term of any overseer or on the position becoming vacant from death, resignation, removal from the district or otherwise, the rolls, district moneys and other property of such district held by him in virtue of his position as overseer shall be handed over by him or his personal representative to his successor ; and a receipt for the same shall be inscribed in the book referred to in section 29 hereof. No. 10 of 1897, s. 38.

Commissioner  
may appoint  
inspector  
to report  
on district

**42.** The commissioner may from time to time appoint such person as he may see fit to inspect and report on the condition of the work in any district, the tools, implements or other property owned by the district and audit the books of the overseer of the district. No. 10 of 1897, s. 39.

Additional  
regulations

**43.** The Lieutenant Governor in Council may make such provisions or regulations not inconsistent with this Ordinance as may be necessary for the proper carrying out of the same or to meet exigencies occurring under its operation. No. 28 of 1838, s. 18.

Overseers  
to be fire  
guardians

**44.** All overseers shall be *ex officio* fire guardians under the provisions of *The Prairie Fire Ordinance*. No. 10 of 1897, s. 40.

Reference in  
other  
Ordinances

**45.** Wherever in any Ordinance reference is had to *The Statute Labour Ordinance* or to statute labour districts or to the overseers thereof it shall be deemed to refer to this Ordinance and to the overseers of local improvement districts. No. 28 of 1898, s. 20.

### SCHEDULE.

## FORM A.

Local Improvement District No.                      in township                      range  
west of the                      meridian.

The undersigned severally declare, each for himself, that he is a resident owner or occupant of land in the above named district, over eighteen years of age, and votes in respect of the land set opposite his name hereto, and that he votes for the person whose name is set opposite his name hereto :

| Name. | Land Voted Upon. | Person Voted For. |
|-------|------------------|-------------------|
|       |                  |                   |

A. B.,  
Returning Officer.

## FORM B.

LOCAL IMPROVEMENT DISTRICT NO.

I, *A.B.*, Returning Officer for Local Improvement District No.            in township            range            west of            meridian, hereby solemnly declare that the record of votes annexed, signed by me, is a true record of votes cast upon the            day of            1            , when            was duly elected Overseer for the above district, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of *The Canada Evidence Act 1893*.

A. B.,  
Returning Officer.

Declared before me at }  
this day }  
of 1 . }

A Commissioner, etc.

## CHAPTER 74.

### An Ordinance respecting Irrigation Districts.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Irrigation District Ordinance.*" No. 30 of 1898, s. 1.

#### INTERPRETATION.

Interpretation      **2.** In this Ordinance unless the context otherwise requires—

"Act"      1. The expression "Act" means the Act of the Parliament of Canada known as *The North-West Irrigation Act 1898* and shall include any amendments thereto which may hereafter be passed ;

"Board"      2. The expression "board" means the board of trustees of any district created under the provisions hereof ;

"District"      3. The expression "district" means any irrigation district created under the provisions hereof ;

"Owner"      4. The expression "owner" means and includes any person who by any right, title or estate whatsoever is or is entitled to be in possession of any land in a district or in any area proposed to be erected into a district under the provisions hereof :

"Works"      5. The expression "works" shall for the purposes of this Ordinance mean and include any dykes, dams, weirs, flood-gates, breakwaters, drains, ditches, basins, reservoirs, canals, tunnels, bridges, culverts, cribs, embankments, headworks, flumes, aqueducts, pipes, pumps and any contrivance for carrying or conducting water or other works which are authorised to be constructed under the provisions of the Act ;

"Voter"      6. The expression "voter" means any person duly qualified under the provisions hereof to vote at any election or upon the taking of any vote under the provisions hereof ;

"Commissioner"      7. The expression "commissioner" means the commissioner of public works for the Territories ;

"Engineer"      8. The expression "engineer" means the engineer appointed by the board under the provisions of section 26 hereof ;

"Arable"      9. The expression "arable" means any land which is capable of being cultivated without the necessity of first removing therefrom any live timber, scrub or stones. No. 30 of 1898, s. 2.

#### EXISTING DISTRICTS CONTINUED.

Existing  
irrigation  
districts  
continued

**3.** Any irrigation district now existing which was constituted or erected under any Ordinance of the North-West Terri-

tories heretofore in force is hereby continued and shall be subject to the provisions of this Ordinance. No. 30 of 1898, s. 3.

#### ORGANIZATION OF DISTRICTS.

**4.** The majority of the owners of the full age of twenty-one years resident within any tract of land not already in an irrigation district may petition the commissioner to erect such tract into an irrigation district under the provisions of this Ordinance and such petition shall clearly define the area and boundaries of such tract. Petition for erection

(2) Accompanying such petition shall be a statutory declaration made by two responsible owners resident within the tract, who have signed the petition, that they verily believe that two-thirds of the proposed district can be irrigated from the proposed works, that the signatures to the petition have been affixed in their presence and that the signers are a majority of the owners of the full age of twenty-one years resident within the tract which it is desired to have created a district. No. 30 of 1898, s. 4. Information required

**5.** Upon receipt of such petition by the commissioner he shall cause a notice to be published in the next issue of the official gazette stating that application has been made for the erection of such tract (describing it) into an irrigation district under the provisions hereof; and a like notice shall be published once by the petitioners in a newspaper published within the proposed district, or if there be no such newspaper then in the newspaper published nearest thereto. No. 30 of 1898, s. 5. Notice of application to be published in official gazette

**6.** If at the expiration of two weeks from the publication of the said notice in such newspaper there is found to exist no substantial objection to the erection of the proposed district the commissioner shall appoint a resident owner to be returning officer for the purpose of taking a vote of the owners within the proposed district upon the question of the erection of such district. No. 30 of 1898, s. 6. Appointment of returning officer

**7.** The commissioner shall cause such returning officer to be notified of his appointment and on receipt of such notification the returning officer shall cause a notice signed by him in form A in the schedule hereto to be posted in at least ten conspicuous and widely separated places within such district and in the post office therein or nearest thereto and shall also cause a copy of such notice to be published at least one week before the time fixed for the meeting in some weekly newspaper published in the proposed district or in case there is none published therein in a newspaper published at the point nearest thereto. Notice of meeting

(2) Such meeting shall be held at or near the point most centrally situated within the proposed district where a suitable building therefor can be obtained. Place of meeting

(3) A certified copy of such notice together with a statutory Return to

commissioner declaration by the returning officer proving the due posting and publication thereof shall be forwarded to the commissioner.

Qualification of voters (4) The persons entitled to take part and vote at such meetings shall be the owners of the full age of twenty-one years. No. 30 of 1898, s. 7.

Proceedings at meeting 8. At the hour appointed in the notice calling such meeting which shall not be later than ten o'clock in the forenoon the returning officer shall read to the meeting the petition for the erection of the district or a copy thereof and his appointment as returning officer after which and until noon of the same day he shall take the votes of the voters present on the question of the erection of the district.

(2) Every voter shall sign a declaration as in form B in the schedule hereto and record his vote as provided in such form.

(3) The returning officer may vote and in case of an equality of votes he shall have the deciding vote. No. 30 of 1898, s. 8.

#### ELECTION OF TRUSTEES.

Nomination of trustees 9. If such vote results in favor of the erection of the district the returning officer shall proceed to hold an election of three trustees for the district and at one o'clock of the afternoon of the same day the returning officer shall proceed to receive nominations of candidates for election as trustees. No. 30 of 1898, ss. 8 (4), 9.

Who may nominate 10. Voters and no other persons shall be entitled to nominate candidates.

Qualification of trustees (2) Trustees shall be owners resident in the district and qualified as voters.

(3) Nominations may be made during the first hour of the election meeting.

Proceedings on election of trustees (4) If no more than the requisite number of persons are nominated during the period for nominations the returning officer shall declare them elected.

(5) If more than the requisite number of persons are nominated during such period the returning officer shall at the expiration thereof declare the nominations closed and shall proceed to take a vote by open voting.

Qualification of voters (6) The persons entitled to vote at such election shall be the owners of the full age of twenty-one years.

(7) Every voter shall have as many votes as there are trustees to be elected but shall in no case vote more than once for one candidate at the same election.

(8) If required to do so by any owner present or of his own accord if deemed advisable the returning officer shall administer an oath to any person applying to vote on the question of the erection of the district or the election of trustees for the district as to his qualification to vote, which oath shall be as follows :

" You do swear that you are of the full age of twenty-one years and that you are lawfully in possession or entitled to be in possession of land situate within this irrigation district and that you have not received any reward or offer or promise of reward for voting at this election. So help you God."

(9) The returning officer shall truly record in a poll book containing suitable columns the name and residence of each person applying to vote, the land in respect of which he claims to be entitled to vote and unless he declines to take the oath the person or persons for whom he votes and if such person when required takes or declines to take the oath the returning officer shall record such fact in the poll book.

(10) The poll book shall continue open until and be closed at the hour of five o'clock in the afternoon of the day of voting.

(11) At the close of the poll the returning officer shall sum up the votes polled and declare elected the necessary number of candidates having the highest number of votes.

(12) The returning officer may vote and in case of an equality of votes for any candidates the returning officer shall have a casting vote.

(13) Immediately after the election the returning officer shall transmit to the commissioner a statement of the result of the votes taken by him together with a solemn declaration in form C in the schedule hereto. Return to commissioner

(14) The returning officer shall after he has forwarded his statement to the commissioner hand the poll book to the secretary treasurer of the district.

(15) At subsequent elections the secretary treasurer of the district shall, unless the commissioner appoints another person, be the returning officer and the provisions of this section shall apply and be observed at all elections of trustees. Subsequent elections

(16) In case for any reason at any time trustees are not elected or are not duly elected hereunder the commissioner may appoint trustees who shall hold office in all respects as if duly elected.

(17) If any two owners who were entitled to vote at the election make it appear to the commissioner by their solemn declaration that the election was irregularly or improperly conducted or that corrupt practices prevailed thereat and that by reason thereof the result of the election was affected the commissioner may make or appoint some other person to make inquiries into the matter and cause evidence to be taken under oath or by solemn declaration and by order require the attendance of witnesses or production of documents and may make such order as to the said election and as to the persons entitled to hold the office of trustee as may seem proper and the trustees and officers of the district shall be bound by and shall observe such orders and the nonobservance of any order made under this section shall be an offence and the offender shall on summary conviction thereof be liable to a penalty not exceeding \$100. No. 30 of 1898, s. 10. Charge of irregularity etc. at election

Erection  
of district

**11.** If the statement made by the returning officer to the commissioner under subsection 13 of section 10 hereof shows that the majority of the voters were in favour of the erection of the district the commissioner may by order erect the tract of land described in the petition into an irrigation district under the provisions of this Ordinance.

(2) The Order erecting such irrigation district shall set forth

(a) The name in full, situation and limits thereof ;

(b) The date and place at which the meeting of owners and the election of trustees was held ;

(c) The names of the elected trustees and their post office addresses.

(3) Such order shall be published in the next issue of *The North-West Territories Gazette*. No. 30 of 1898, s. 11.

#### TRUSTEES' DECLARATION OF OFFICE.

Declaration  
by trustees

**12.** Every trustee shall within eight days after his election make the following declaration before the returning officer who shall forward the same to the commissioner :

"I, A.B., do hereby accept the office of trustee to which I have been elected in (*name of irrigation district in full*) and I will to the best of my ability honestly and faithfully discharge the duties devolving on me as such trustee during the term for which I have been elected." No. 30 of 1898, s. 12.

#### TRUSTEES' TERM OF OFFICE.

Term of office  
of trustee

**13.** The trustees elected at the first election shall hold office as follows :

(1) The candidate receiving the highest number of votes or the first one nominated if no vote has been taken shall be elected to serve until and including the thirty-first day of December of the second year following the election.

(2) The candidate receiving the second highest number of votes or second in order of nomination shall be elected to serve until and including the thirty-first day of December of the year following the election.

(3) The candidate receiving the third highest number of votes or the third in order of nomination shall be elected to serve until and including the thirty-first day of December following the election ; .

Provided always that when the election takes place between the thirtieth day of June and the thirty-first day of December following in any year the third trustee shall continue in office until and including the thirty-first day of December the year following the election ; the second trustee shall continue in office until and including the thirty-first day of December of the second year following the election ; and the first trustee shall continue in office until and including the thirty-first day of December of the third year following the election ;



Providing also that the retiring trustee shall remain in office until his successor is elected. No. 30 of 1898, s. 13.

#### ANNUAL ELECTION OF TRUSTEE.

**14.** The regular annual election of a trustee to fill the vacancy which occurs yearly shall take place on a day in the first week in January at the hour of ten o'clock in the forenoon and in the event of more candidates being nominated at twelve o'clock noon than the number required to fill vacancies then existing in the board the nominations shall be closed and a poll shall be opened at that hour and shall close at five o'clock in the afternoon of the same day and the proceedings at such annual election shall as nearly as possible be the same as at the first election of trustees. No. 30 of 1898, s. 14.

#### TRUSTEES A BODY CORPORATE.

**15.** The board of trustees of every district created hereunder shall be a body corporate and shall have all the rights and be subject to all the liabilities of a corporation; and especially shall have full power to acquire, hold and alienate water rights and both real and personal estate for all purposes of the district and by the same name they and their successors shall have perpetual succession and they shall have power to sue and be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever and they shall have a common seal with power to alter and modify the same at their will and pleasure; and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property real or moveable for the use of the said district and of becoming parties to any agreements in the management of the affairs of the said district and shall have all the powers necessary for the construction, working and maintenance of irrigation works necessary for the uses and purposes of the said district and the inhabitants thereof. No. 30 of 1898, s. 15.

#### CHAIRMAN AND SECRETARY TREASURER.

**16.** The board shall within ten days after the date of their election hold a meeting at which they shall proceed to elect a chairman who shall preside at all meetings of the board and at the same meeting the board shall appoint a secretary treasurer. No. 30 of 1898, s. 16.

#### MEETINGS OF TRUSTEES.

**17.** The chairman of any meeting of the board may vote with the other members of the board on all questions and any question on which there is an equality of votes shall be deemed to be negatived. No. 30 of 1898, s. 17.

**18.** In the event of the absence of the chairman from any meeting the remaining members of the board shall elect an-  
*Chairman pro tem.*

other chairman from amongst themselves who shall have all the powers of the chairman at such meeting. No. 30 of 1898, s. 18.

Meetings  
of board

**19.** Meetings of the board of trustees may be called at any time by the chairman or by two trustees by giving seven clear days written notice of the same. No. 30 of 1898, s. 19.

#### REGULATIONS AND BYLAWS.

Regulations  
and bylaws

**20.** Every board may make regulations and bylaws in respect of matters not provided for by this Ordinance and not contrary to law, consistent with the objects for which the district was created, for governing its proceedings, calling meetings, the conduct of its members, appointing committees and generally such regulations as the interest of the district may require and, may repeal, alter and amend its own regulations and bylaws except where bylaws are made for the purpose of raising money, levying assessments or striking rates. No. 30 of 1898, s. 20.

Payment  
of members

**21.** Every board may pass a bylaw for paying the members thereof but such payment shall in no case exceed the sum of two dollars per day to each member and ten cents for every mile necessarily travelled in going to and from the meetings of the board. No. 30 of 1898, s. 21.

Officers' duties  
and secretary  
treasurer's  
security

**22.** The board of trustees shall define the duties of its officers and shall exact security from the secretary treasurer for the faithful performance of his duties and it shall be the duty of every board at its first meeting in each year or within a reasonable time thereafter to examine the security so exacted and see that the same is a valid security. No. 30 of 1898, s. 22.

#### AUTHORITY FOR CONSTRUCTION OF WORKS.

Application  
for  
authorisation

**23.** The board shall forthwith after the erection of such district under the provisions hereof proceed to make an application in accordance with the provisions of the Act for the water necessary for the irrigation of the district and for authority to construct the necessary works for the utilization of such water and may employ such surveyors or engineers as are required to obtain the necessary information to enable them to make such application. No. 30 of 1898, s. 23.

If  
authorisation  
not obtained  
within six  
months

**24.** If the authorisation to construct such works as provided by section 16 of the Act be not obtained within six months after the date of the order creating the district or such further time as the Lieutenant Governor in Council may direct, the district shall cease to exist as such. No. 30 of 1898, s. 24.

Authorisation  
to be filed

**25.** If the authorisation provided for by section 16 of the Act is issued such authorisation together with a copy of the maps and plans required by the Act shall be filed in the office of the secretary treasurer of the board and shall be open for

inspection by any owner or his agent at all reasonable times. No. 30 of 1898, s. 25.

#### ENGINEER OF DISTRICT.

**26.** Immediately upon receipt of the authorisation provided by section 16 of the Act the board shall proceed to appoint a competent engineer for the district whose duty it shall be to make the necessary detailed surveys for the proposed works together with the maps and plans of the same and he shall also make a careful estimate in detail of the amount required to construct the several portions of the proposed works and of the total amount required to complete the same; he shall also make an estimate in detail of the amount required to be expended in each year for the purpose of maintaining and operating the said works when constructed and such maps, plans and estimates shall be filed by him in the office of the secretary treasurer and shall be open for inspection by any owner or his agent at all reasonable hours. No. 30 of 1898, s. 26.

Engineer

Surveys and estimate

#### ASSESSMENT ROLL.

**27.** Upon completion of the maps, plans and estimates provided for in the preceding section the engineer so appointed shall make an assessment roll of the district in which he shall set down to the best of his knowledge, information, skill and ability in the first column thereof the name of each owner of each parcel of land in the district which is liable to taxation under the provisions hereof; in the second column thereof a description of the lands so owned; in the third column thereof the number of acres which are capable of being irrigated by the proposed works as shown by the maps and plans prepared by the engineer and in the fourth column the number of acres which are not capable of being so irrigated. No. 30 of 1898, s. 27.

Assessment

**28.** The engineer shall also in such assessment roll give a description of each parcel of lands liable to taxation the owners of which are unknown to him and shall opposite to each parcel, enter in the several columns of the said roll the same particulars as are required by the preceding section. No. 30 of 1898, s. 28.

Unknown owners

**29.** Occupants of crown lands in respect of which home-  
stead or purchase rights have been granted shall be liable to taxation in respect of their occupancy of the same in the same way as owners of other land. No. 30 of 1898, s. 29.

Occupants of Crown lands liable in certain cases

**30.** Upon completion of the assessment roll the engineer shall hand the same to the secretary treasurer of the board who shall within one week after its receipt deliver to each person residing in the district whose name appears on the assessment roll or leave at his residence a notice setting forth the land in respect of which he is assessed or entered on the

Notice of assessment

said roll and the number of irrigable and nonirrigable acres therein and shall mail a similar notice by registered letter to all the persons whose names appear on such roll who reside without such district and shall enter on the roll opposite the name of each person therein the date of such delivery or mailing and such entry shall be *prima facie* evidence of such delivery and of the date thereof.

(2) The assessment roll shall remain in the office of the secretary treasurer of the board except when it is required before the court of revision or before a judge and shall be open for inspection by any owner or by his agent. No. 30 of 1898, s. 30.

#### COURT OF REVISION.

Court of  
revision

**31.** The board shall form a court of revision for the trial of complaints of any owner as to himself or any other person being wrongfully assessed on the said roll or omitted therefrom or of being assessed in respect of property of which they are not the owners or occupants or as to the number of acres stated on such roll to be contained in any parcel or as to the number of acres thereof stated therein as being capable of irrigation by means of the proposed works. No. 30 of 1898, s. 31.

Secretary  
treasurer  
clerk of court

**32.** The secretary treasurer shall be the clerk of the court of revision and shall record all the proceedings thereof. No. 30 of 1898, s. 32.

Proceedings  
on appeal

**33.** The proceedings of the court of revision and the mode of appeal thereto shall be as follows :

1. Any owner desiring to appeal may within two weeks from the date of the delivering or mailing of the assessment notice notify the secretary treasurer in writing of the particulars and grounds of his appeal.

2. Forthwith after the receipt by the secretary treasurer of the assessment roll he shall notify the board thereof and the board shall thereupon fix a day not less than one but within two months after such receipt of the roll and a place at which they will sit as a court of revision.

3. As soon as the time within which notice of appeal may be given has expired the secretary treasurer shall personally or by mail notify the parties appealing and appealed against of the time and place fixed for the sitting of the court of revision.

4. The court of revision may meet and adjourn from time to time but so that their duties shall be completed within the said two months.

5. All evidence before the court of revision shall be taken on oath and any member of the court shall be competent to administer the oath to any person giving evidence before the court and the secretary treasurer may when required issue a summons to any witness to attend such court or produce documents thereat and if any person so summoned as a witness fails without good and sufficient reason to attend or produce

documents (having been tendered witness fees at the rate of \$1 per day and actual railway fare or mileage at the rate of ten cents per mile where railway is not available, he shall be guilty of an offence and on summary conviction thereof be liable to a penalty not exceeding \$50. No. 30 of 1897, s. 33.

**34.** If at any time not later than two weeks before the date fixed for holding the court of revision it shall be discovered that any property has been omitted from the assessment roll the secretary treasurer shall forthwith notify the owner thereof if he resides or has a place of business within the district that application will be made to the court of revision to add the name of such owner and the said property to the assessment roll and that such owner is required to attend the court of revision to show cause why the said property should not be assessed;

(2) If such owner does not reside within the district then such notice shall be posted by registered letter to the post office address of such owner;

(3) After such notice has been given as aforesaid and after the expiration of the time mentioned therein or if such person be not known then without any notice the board may unless good cause is shown to the contrary assess such property and direct the secretary treasurer to enter the same upon the assessment roll with the name of such person if known upon which entry the said property shall be deemed to have been duly assessed. No. 30 of 1898, s. 34.

**35.** The roll as finally passed by the court shall be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect or error or mis-statement in any notice required by this Ordinance or the omission to deliver or transmit such notice. No. 30 of 1898, s. 35.

**36.** The assessment roll herein provided for and as revised under the provisions hereof shall be the revised assessment roll of the district until such time as the board shall by bylaw from time to time provide for the making of a new assessment roll and any assessment made under any such bylaw shall be made and revised under and subject to all the provisions of this Ordinance relating to assessments or appeals therefrom. No. 30 of 1898, s. 36.

#### BYLAW FOR RAISING LOAN.

**37.** If upon the revision of such roll in the manner herein provided it is found that the amount required to construct and complete the proposed works according to the maps, plans and estimates of the engineer and the amount required to defray the necessary expenses incurred in procuring the erection of such district and the said authorisation including the costs of surveys and plans therefor do not together exceed an amount equal to four dollars per acre of the lands shown by such

assessment roll to be capable of irrigation by means of the proposed works and that the amount required to be raised annually for the purpose of maintaining such works and paying the expenses of the administration of the affairs of such district does not exceed an amount equal to one dollar per acre of the lands shown by such roll to be capable of irrigation by means of such works the board shall forthwith submit to a vote of the voters of the said district a bylaw providing for the raising by loan upon the credit of the district the amount shown by such estimate to be required for the purpose of defraying the cost of construction of such work and the amount required to defray the necessary expenses incurred in procuring the erection of such district and in the proceedings hereunder and of obtaining such authorisation and for levying of the the necessary rates for the payment of such loan and the interest accruing thereon and for the issue of debentures for the same. No. 30 of 1898, s. 37.

Contents  
of bylaw

**38.** Such bylaw shall set forth :

- (a) The object of the by-law ;
- (b) The date upon which it shall take effect ;
- (c) The amount of the proposed loan showing the purposes for which it is proposed to be raised and the several amounts required for each purpose ;
- (d) The times and manner of repayment thereof or of the debentures to be issued therefor, the rate of interest thereon and the times for payment thereof ;
- (e) The total irrigable acreage of the rateable real property in the district as shown by such revised assessment roll ;
- (f) The specific sum to be raised in each year during the currency of the bylaw for the purpose of paying the several instalments of principal and interest payable thereunder. No. 30 of 1898, s. 38.

Time and  
mode of  
repayment

**39.** Such bylaw and the debentures issued thereunder shall provide for the payment of the whole principal money within thirty years from the time the bylaw takes effect and shall be repayable by annual instalments extending over the whole of such period or the last twenty years thereof. No. 30 of 1898, s. 39.

Polling  
subdivisions

**40.** The board may in and by such bylaw divide such district into polling subdivisions for the purpose of taking such vote and shall thereby fix the day and hour and polling place or places for taking the same and fix the time and place when and where the returning officer shall sum up the number of votes given for or against the bylaw.

(2) The day so to be fixed for taking such votes shall not be less than two or more than four weeks from the first publication of such bylaw in the manner hereinafter mentioned.

(3) The board shall appoint a returning officer and if necessary deputy returning officers. The returning officer may act as a deputy returning officer in which case the provisions hereof applicable to deputy returning officers shall apply to him. No. 30 of 1898, s. 40. Returning officer

**41.** The board shall before the voting thereon by the rate-payers publish a copy of the bylaw in some newspaper published within the said district or if there be no such newspaper then in some newspaper published near the district and such publication shall be continued in at least one number weekly of such newspaper for two consecutive weeks and the secretary treasurer shall post up a copy of the bylaw in his office. No. 30 of 1898, s. 41.

**42.** Appended to each copy so published shall be a notice signed by the secretary treasurer stating that such copy is a true copy of a proposed bylaw which will be taken into consideration by the board after being voted on by the voters and stating the date of the first publication and the day, hour and place or places fixed for taking the votes of the persons entitled to vote. No. 30 of 1898, s. 42.

**43.** The persons qualified to vote at the taking of the vote upon such bylaw shall be the owners who were assessed on the last revised assessment roll and are of the full age of twenty-one years. No. 30 of 1898, s. 43. Qualification of voters

**44.** At the request of any person who is entitled to vote on such bylaw the returning officer or deputy returning officer shall administer to any person applying to vote an oath of qualification in the following form :

"You do swear that you are of the full age of twenty-one years; that you are lawfully in possession or entitled to be in possession of land situate within the                  irrigation district; that you were assessed on the last revised assessment roll of the said district; that you have not already voted on the bylaw now before the voters and that you have not received any reward or offer or promise of reward for voting on the said bylaw. So help you God." No. 30 of 1898, s. 44.

**45.** The votes upon the bylaw shall be given by ballot in the manner hereinafter set forth and the ballots shall be in form D in the schedule hereto. No. 30 of 1898, s. 45. Voting to  
be by ballot.

**46.** The returning officer shall procure or cause to be procured as many ballot boxes as there are polling subdivisions in the district and cause to be printed a sufficient number of ballot papers for the purposes of the election. No. 30 of 1898, s. 46. Returning officer's duties

**47.** The returning officer shall at least two days before polling day deliver one of the ballot boxes to each deputy returning officer. No. 30 of 1898, s. 47.

Supply of  
material

**48.** The returning officer shall before the poll is opened caused to be delivered to every deputy returning officer the ballot papers and materials for marking the ballot papers. No. 30 of 1898, s. 48.

Secretary  
treasurer to  
supply list  
of voters

**49.** The secretary treasurer of the board shall supply to each deputy returning officer before the opening of the poll a certified list of the names of the owners of land within his polling subdivision as shewn by the last revised assessment roll and no persons other than those named on such list shall be entitled to vote on such bylaw. No. 30 of 1898, s. 49.

Deputy  
returning  
officer  
Constable

**50.** Every deputy returning officer shall provide a compartment at the polling place to which he is appointed where the voters can mark their ballots screened from observation and may appoint a constable to maintain order at the polling place. No. 30 of 1898, s. 50.

Proceedings  
at opening  
of poll

**51.** Every deputy returning officer shall immediately before the commencement of the poll open the ballot box and call such person as may be present to witness that it is empty; he shall then lock and properly seal the same to prevent its being opened without breaking the seal and then place the box in view for the reception of ballots and the seal shall not be broken nor the box unlocked during the time appointed for taking the votes. No. 30 of 1898, s. 51.

Persons  
allowed in  
polling place

**52.** No person shall be allowed in any polling place during the hours for polling except the returning officer, the deputy returning officer, the constable (if any), the voter engaged in voting and any agents appointed as in this section provided.

Scrutineers

(2) On application to him the returning officer may appoint two persons for each poll to act as scrutineers on behalf of the persons in favour of the passage of the bylaw and two persons for each poll to act as scrutineers on behalf of the persons opposed to the passage of the bylaw but before such persons act as such agents they shall severally subscribe and make a declaration before the returning officer or a person empowered to administer oaths in the following form:

“ I do solemnly declare that I am interested in and desirous of securing (*or opposing as the case may be*) the passage of the bylaw now being or about to be submitted to the vote of the owners in \_\_\_\_\_ irrigation district. No. 30 of 1898, s. 52.

Proceedings  
at poll

**53.** Proceedings at the poll shall be as follows:

1. On a person presenting himself for the purpose of voting the deputy returning officer shall ascertain that the name of such person is entered or purports to be entered upon the voters' list of his polling subdivision;

2. If such person takes the oath prescribed by this Ordinance the deputy returning officer shall cause to be entered



opposite the name of such person in the proper column of the voters' list the word "sworn;"

3. When such person as aforesaid has been required to take the oath prescribed by this Ordinance and refuses to take the same the deputy returning officer shall cause to be entered in the proper column of the voters' list the words "refused to be sworn;" no person who has refused to take the oath prescribed by this Ordinance when requested to do so shall receive a ballot paper or be admitted to vote;

4. When the vote is objected to the deputy returning officer shall cause to be entered in the proper column of the voters' list opposite the voter's name the words "objected to;"

5. After the proper entries respecting a person claiming to vote have been made in the voters' list in the manner prescribed the deputy returning officer shall stamp or sign his initials upon the back of the ballot paper and shall deliver the same to such person;

6. The deputy returning officer shall explain to the voter the mode of voting;

7. The deputy returning officer shall cause to be placed in the proper column of the voters' list a mark opposite the name of every voter receiving a ballot paper;

8. Only one person claiming to be entitled to vote shall be allowed at a time in the polling place.

9. Every person receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his ballot paper by placing a cross opposite the words "for the bylaw" or opposite the words "against the bylaw" as the case may be in accordance with his intention to vote for or against the proposed bylaw; he shall then fold the ballot paper so as to conceal the marks on the face of the paper but so as to expose the initials of the deputy returning officer and on leaving the compartment shall forthwith and without exposing the face of the ballot paper to anyone or in any manner making known to any person which way he has voted deliver the same to the deputy returning officer who shall without unfolding it verify his initials and at once deposit it in the ballot box in the presence of all persons then present in the polling place;

10. While any voter is in the compartment for the purpose of marking his ballot paper no other person shall be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his ballot paper except as hereinafter provided;

11. In case any elector states he is unable to mark his ballot paper:

- (a) The deputy returning officer shall administer an oath to such elector that he is unable to mark his ballot paper and shall then cause the vote of such elector to be marked as he directs and shall then place the same in the ballot box; and

- (b) The deputy returning officer shall state in the voters' list opposite the name of such elector in the column for remarks the fact that the ballot paper was marked by him at the request of the voter and the reasons therefor.

12. Any elector who has spoiled his ballot paper in marking it and discovers the fact before it has been placed in the ballot box may on returning the same to the deputy returning officer and proving the fact to him obtain another ballot paper and the deputy returning officer shall mark upon the face of the ballot paper so spoiled the word "cancelled," and all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer in the manner hereinafter provided ;

13. Any person who has received a ballot paper and who leaves the polling place without delivering same to the deputy returning officer in the manner provided or if after receiving the same refuses to vote shall forfeit his right to vote and the deputy returning officer then shall make an entry in the voters' list opposite the name of such person in the column for remarks that such person received the ballot paper but did not return the same or that the person returned the ballot paper and declined to vote in which case the deputy returning officer shall mark upon the face of the ballot paper the word "declined," and all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer in the manner hereinafter provided ;

14. Any deputy returning officer who is entitled to vote in a polling sub-division other than the one in which he is performing the duties of such officer may, subject to the other provisions hereof, vote at the polling station at which he is so engaged providing he produces a certificate from the secretary treasurer that he is a qualified voter within the district and the deputy returning officer shall attach such certificate to the voters' list. No. 30 of 1898, s. 53.

Proceedings  
after close  
of poll

**54.** Immediately after the close of the poll, the deputy returning officer shall, in the presence of the poll clerk, if there be one, open the ballot box and proceed as follows:—

1. He shall examine the ballot papers and reject all those on the back of which his initials are not found or on which more votes are given than the voter is entitled to give or on which anything appears by which the voter can be identified and any ballot paper so rejected shall be void ;

2. Take a note of any objection made by any agent to any ballot paper found in the ballot box and decide on any question arising out of the objection ;

3. Number such objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed" as the case may be, with his initials ;

4. Count the votes given for or against the said bylaw from the ballot papers not rejected and make a written statement of

the number of votes given for or against the said bylaw and of the number of ballot papers rejected and not counted by him, which statement shall be then signed by him and such of the agents present as may desire to sign the same ;

5. The deputy returning officer shall then certify under his own hand in full words on the voters' list the total number of persons who have voted at the polling place at which he is appointed, and make up into separate packets :

- (a) The statement of votes given for and against the by-law and of the rejected ballot papers ;
- (b) The used ballot papers which have not been objected to and which have not been counted ;
- (c) The ballot papers which have been objected to but which have been counted ;
- (d) The rejected ballot papers ;
- (e) The declined and cancelled ballot papers ;
- (f) The voters' list ;

which packets, closed up and sealed with his own seal and with the seals of any persons present desiring to affix their seals thereto and marked on the outside with a memorandum designating their respective contents, shall by the deputy returning officer be transmitted forthwith to the returning officer. No. 30 of 1898, s. 54.

**55.** After the close of the poll the deputy returning officer shall make and subscribe before a justice of the peace a declaration in the following form : Declaration by  
deputy  
returning  
officer

"I, the undersigned, deputy returning officer for polling subdivision No.                      of                      irrigation district do solemnly declare that the poll book kept by me for the said polling subdivision on the vote on the bylaw of said district to raise \$                      by way of loan was correctly kept, that the total number of votes polled at said polling subdivision was                      of which                      were in favour of the said bylaw and                      were against it, that the voters' list used at said poll was used in the manner prescribed by law and the entries required to be made therein were made according to law and that I faithfully performed all the duties required of me by law."

2. Such declaration shall be attached to the voters' list and sent to the returning officer. No. 30 of 1898, s. 55.

**56.** At the time and place fixed for declaring the result of the election the returning officer shall open the packet containing the statement of the number of votes given for and against the bylaw and shall publicly declare as to whether the bylaw has been assented to or rejected by the voters, as the case may be, in accordance with the majority of the votes cast. No. 30 of 1898, s. 56. Counting  
votes

**57.** After the voting the ballot boxes, packets and returns together with a statement shewing the result of the vote shall Return to  
secretary  
treasurer

be transmitted by the returning officer to the secretary treasurer who shall be responsible for their safe keeping and for their delivery when required. No. 30 of 1898, s. 57.

Proceedings  
if majority of  
votes against  
passing of  
bylaw

**58.** If the majority of votes polled upon such bylaw is against the passing thereof the board shall forthwith report the same to the commissioner and shall immediately proceed to discharge all the outstanding liabilities of the district and shall have power to make such assessments and levy such rates as may be necessary for such purpose ; and so soon as all debts and liabilities of the district have been so discharged it shall immediately cease to exist as such. No. 30 of 1898, s. 58.

If majority  
of votes in  
favour

**59.** If the majority of votes polled upon such bylaw is in favour of the passing thereof it shall within one week from the day of voting be finally passed by the board. No. 30 of 1898, s. 59.

Bylaw to  
receive  
assent of  
commissioner

**60.** The bylaw for raising such loan shall receive the assent of the commissioner after the final passing thereof by the board which assent shall be conclusive evidence that all necessary formalities in respect to the passing thereof and to the vote thereon have been complied with. No. 30 of 1898, s. 60.

Issue of  
debentures

**61.** The trustees having received notice of the assent of the commissioner to such bylaw shall issue debentures for the amount of such proposed loan to secure the repayment of the same with interest, upon the terms specified in the bylaw and said debentures and the coupons thereof shall be sufficient when signed by two of the trustees of the district to bind the district and to create a charge or lien upon all property of the district and all rates levied therein. No. 30 of 1898, s. 61.

Form of  
debenture

**62.** The debentures to be issued under any such bylaw shall be in the form following or to the like effect :

“ Canada.

North-West Territories,

\$

Debenture No.

The trustees of  
irrigation district promise to pay to the bearer at  
the sum of \_\_\_\_\_ dollars  
of lawful money of Canada in  
equal annual instalments with interest at the rate of \_\_\_\_\_  
per cent. per annum in the manner specified in the coupons  
attached hereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1

For the said trustees.  
Trustee.  
Trustee.

COUPONS.

Coupon No.

Debenture No.

The trustees of

irrigation district

will pay to the bearer at  
 on the                      day of                      1                      the sum  
 of                      dollars, being the  
 payment with the total interest at the rate of  
                     per cent. per annum due on that day on  
 debenture No.

Trustee.

Trustee." No. 30 of 1898, s. 62.

#### ANNUAL RATES.

**63.** The board shall not later than the first day of May in each year after the bylaw takes effect make an estimate of the amount required to pay the instalments of principal and interest payable under such bylaw up to the expiration of such year and the lawful expenses which shall be incurred during such year in carrying out the provisions of this Ordinance, including salaries and expenses of officers and such allowances as the members of the board may be entitled to under the provisions hereof and the general expenses of the district, and shall forthwith pass a bylaw authorising and directing the levying and collecting of an equal rate upon each acre of irrigable land as shown by the last revised assessment roll for the district which rate shall be sufficient to raise the amount of such estimate after making all due and reasonable allowances for the cost of collection and abatement for losses which may occur in the collection of taxes. No. 30 of 1898, s. 63.

**64.** The secretary treasurer shall be the collector of taxes for the district but the board may appoint another person to be such collector. No. 30 of 1898, s. 64.

**65.** Immediately after the passing of such last mentioned bylaw in each year the secretary treasurer shall make out a collector's roll in which he shall set down in the first column thereof the full name of every person whose name appears upon the revised assessment roll and in the second column thereof the amount for which each person is assessed in such assessment roll for such year and in the third column thereof the amount of the taxes and rates with which he is chargeable under the said last mentioned bylaw and shall unless he himself is collector deliver the roll certified under his name to the collector appointed by the board. No. 30 of 1898, s. 65.

**66.** The collector shall forthwith after the completion or delivery to him of such collector's roll leave at the usual residence or place of business of or transmit by rail to each person whose name appears on the said roll or to any agent of such person in the district a statement and demand of the taxes charged against him which statement shall state the time such taxes are required to be paid and the collector shall enter the date of delivery or mailing such notice in said collector's roll opposite the name of the person taxed and such entry shall be *prima facie* evidence of the due delivery of such statement and demand. No. 30 of 1898, s. 66.

Distress

**67.** All rates, charges and taxes payable under the provisions of this Ordinance shall be paid to the collector within ten days after such demand thereof by the said collector; and in case of refusal or neglect to pay the same within such time or in case the same shall not be paid before the return of the roll the collector or the secretary treasurer may levy the same with the costs of distress and sale by distress and sale of the goods and chattels of the defaulter situated within the district or of any goods and chattels found upon the premises assessed. No. 30 of 1898, s. 67.

Taxes, a debt to board

**68.** Taxes may be recovered as a debt due to the board in which case the production of the collector's roll or a copy of so much thereof as relates to the taxes payable by any person, certified by the secretary treasurer to be a true copy, shall be *prima facie* evidence of the debt. No. 30 of 1898, s. 68.

Return of roll

**69.** The collector shall on or before the first day of December in each year or such later time as the board may direct return the collector's roll to the secretary treasurer, with an account of all moneys received by him, accompanied by a solemn declaration made before an officer authorised to administer oaths, that the collection and other proceedings have been taken in accordance with the terms of this Ordinance and that the returns contained therein are correct. No. 30 of 1898, s. 69.

#### ARREARS OF TAXES. PROCEDURE AGAINST LAND

Return to commissioner

**70.** The secretary treasurer shall from time to time make a return verified by his solemn declaration to the commissioner in such form as may be prescribed by the commissioner showing all lands within the district upon which taxes have been imposed and upon which entirely or in part the said taxes are overdue and unpaid for the year ending the thirty-first day of December next preceding. No. 30 of 1898, s. 70.

Application for confirmation of return

**71.** On production of such return by the attorney general of the Territories or some advocate authorised by him to a judge of the Supreme Court in chambers such judge shall appoint a time and place for confirmation of the said return, notice of which shall be published in every issue of the official gazette for at least two months and such further or other notice of the appointment shall be given as the judge shall direct. No. 30 of 1898, s. 71.

Adjudication

**72.** At the time and place so appointed the judge shall hear the application and also any objecting parties and the evidence adduced before him and thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default and report the adjudication to the said attorney general and shall also confirm the return as to such parcels on which any taxes are determined to be in arrears for over one year naming the amounts severally and adding thereto a

Confirmation

reasonable amount for the expense of advertising together with such sum as he may fix for costs of the application and the effect of such adjudication shall be to vest in the Crown for the public use of the Territories the said lands subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by payment to the commissioner of the amounts named including expenses as aforesaid together with a redemption fee of five cents for each and every acre in the parcel so redeemed and any subsequent taxes paid by the commissioner. No. 30 of 1898, s. 72.

**73.** At any time after the expiration of the year last named on *ex parte* application by the attorney general or his appointee and production of the last named adjudication together with such proof of nonredemption as the judge may require the judge by order in chambers may direct that the title to such of the land named in the adjudication as has not been redeemed by the owner be absolutely vested in Her Majesty freed from all liens, mortgages and encumbrances of whatever nature and kind the same may be. No. 30 of 1898, s. 73. *Ex parte application for title*

**74.** So soon as such return has been confirmed the commissioner shall pay to the district the amount of taxes adjudged in arrears on each parcel of land deducting therefrom any charges he may have been required to pay and thereafter yearly while owned by Her Majesty the said land shall be assessed in the name of the commissioner who shall pay taxes as if the land were assessed to an ordinary individual. No. 30 of 1898, s. 74. *Payment of taxes by commissioner*

**75.** The commissioner may from time to time offer for sale any lands vested in Her Majesty as herein provided at such prices and upon such terms as may be fixed by the Lieutenant Governor in Council. No. 30 of 1898, s. 75. *Sale of lands*

**76.** The taxes accruing upon or in respect of any real estate in the district liable to taxation under the provisions hereof shall be a special lien upon such real estate including the buildings and improvements thereon having preference over any claim, lien, privilege or encumbrance and of any party whomsoever. No. 30 of 1898, s. 76. *Taxes special lien*

#### GENERAL PROVISIONS.

**77.** In addition to the powers hereinbefore mentioned the board shall have and possess and may exercise all the powers which may be necessary in order to enable them to construct and maintain the said works and may by bylaw provide for the construction or maintenance thereof or both in such manner as it may see fit and may also make and enforce such regulations as it may see fit respecting the supply of water to any person and for the disposal or supply of any surplus water which is not required for the purpose of the district and *Further powers of board*

for the cutting off or stopping the supply of any water to any person in arrears in respect thereof and to any persons from whom rates or taxes are due to such district. No. 30 of 1898, s. 77.

#### Borrowing

**78.** The board may pass bylaws from time to time authorising the chairman and treasurer thereof to borrow from any person, bank or corporation such sum or sums of money as may from time to time be required to pay any instalment of principal or interest or both falling due upon any such debentures or to provide for any other expenditure until such time as the taxes levied or to be levied therefor can be collected. No. 30 of 1898, s. 78.

#### Vacancy in board

**79.** In case of any vacancy in the board by death, resignation or otherwise the remaining members of the board shall appoint some owner residing within the district to the vacant position. In case there are no members of the board remaining the commissioner shall appoint three such persons to constitute the board. No. 30 of 1898, s. 79.

#### Failing appointment of officers, etc., by board, commissioner to appoint

**80.** In case the board shall at any time fail to appoint the necessary officers to carry out the provisions of this Ordinance or in case any officer appointed by the board shall fail to perform the duties prescribed by this Ordinance the commissioner shall appoint the necessary officer or officers for the purpose of carrying out the provisions hereof and any such officer so appointed shall have and possess all the powers and shall perform all the duties of his office in the same manner as if he had been appointed by the board. No. 30 of 1898, s. 80.

### ALTERATION OF BOUNDARIES.

#### Alteration of boundaries

**81.** The commissioner shall have power to alter and amend the boundaries and area of any district erected as herein provided by adding thereto or taking therefrom but no area shall be added to a district unless the majority of the owners in such area signify their consent to such addition nor shall any portion of a district be cut off unless the board by resolution agrees to such reduction in the area of the district.

(2) In case of any district having any debenture debt outstanding no alteration shall be made in the same or in the boundaries thereof which will prejudicially affect the rights or security of the holders of any such debentures.

(3) The order of the commissioner amending the boundaries or area of any district erected under the provisions hereof shall be published in the official gazette and a copy thereof filed by the board. No. 30 of 1898, s. 81.

### EXECUTIONS AGAINST DISTRICTS.

#### Execution against district

**82.** Any writ of execution against a district may be indorsed with a direction to the sheriff to levy the amount thereof by rate and the proceedings thereon shall be as follows:



1. The sheriff shall deliver a copy of the writ and indorsement to the secretary treasurer of the board with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same ;

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the district and shall in like manner as rates are struck for general district purposes strike a rate in the dollar sufficient to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover interest, his own fees and the collector's per centage up to the time when such rate will probably be available ;

3. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the secretary treasurer of the board and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the corporation had neglected to satisfy the same and referring to the roll annexed to the precept command the secretary treasurer of the board to levy such rate at the time and in the manner by law required in respect to the general annual rates ;

4. In case at any time for levying the annual rates next after the receipt of such precept the secretary treasurer of the board has a general rate roll delivered to him for such year he shall add a column thereto headed : "Execution rate in *A.B. versus The* Irrigation District" as the case may be, adding a similar column if there are more executions than one and shall insert therein the amount by such precept required to be levied upon each owner respectively and shall levy the amount of such execution rate aforesaid and shall within the time that he is required to make the return of the general annual rate return to the sheriff the precept with the amount levied thereon deducting his percentage ;

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the secretary treasurer of the board for the general purposes of the district ;

6. In case the secretary treasurer of the board of any district against which an execution has issued is not paid by percentage fixed by bylaw of the district he shall be paid for such collection a sum not exceeding two and one-half per centum of the amount collected. No. 30 of 1898, s. 82.

83. The secretary treasurer or collector of the district shall for the purpose of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Ordinance with respect to such execution be deemed to be officers of the court from which such writ was issued and as such may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties hereby imposed on them. No. 30 of 1898, s. 83.

Secretary  
treasurer to  
be officer of  
court

Assessment,  
etc., by sheriff

**84.** In case there is no secretary treasurer or collector and the trustees refuse or neglect to appoint such officers or in case such officers are absent from the district or for any reason the sheriff is unable to proceed as herein provided he may (upon application to a judge of the Supreme Court) be invested with full power and authority to assess, levy, collect and enforce payment of such sum or sums of money as may be required to pay and satisfy the execution or executions and all fees and legal expenses including such allowance for the costs, levy, collection and enforcement of payment as the judge may allow, in the same manner as assessors, collectors or secretary treasurers are authorised to do by this Ordinance ;

Appeal

Provided that in case any person desires to appeal from any assessment or omission of assessment by the sheriff appeal may be had to a judge of the Supreme Court. No. 30 of 1898, s. 84.

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## SCHEDULE.

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### FORM A.

Notice is hereby given that under the provisions of *The Irrigation District Ordinance* the undersigned has been appointed by the commissioner of public works for the purpose of taking a vote on the question of the erection of the Irrigation District and, if such vote is in favour of the erection of such district, to hold an election of three duly qualified persons to compose the board of trustees of the said irrigation district which comprises the following area :

(*Here set out area.*)

The persons entitled to vote are such persons as are of the full age of twenty-one years who are lawfully in possession of or entitled to be in possession of land situate within the district.

Now therefore the electors so qualified to vote are hereby notified to attend at (*describing the place of voting*) on the

day of 1 at the hour of ten o'clock in the forenoon at which hour and place I will proceed to take a vote on the said question and if the vote thereon is favorable to the erection of the district I will at one o'clock in the afternoon of the said date receive nominations for persons to serve as such trustees and if at the hour of two o'clock in the afternoon on said day more than three persons have been nominated I will forthwith proceed to hold a poll and receive the votes of persons qualified to vote which poll will continue open until and close at the hour of five o'clock in the afternoon of said day at which time I will declare the result of the poll.

Dated this

day of

1

*Returning Officer.*

FORM B.

.....Irrigation District.

We the undersigned severally declare each for himself that he is an owner of land, as defined in *The Irrigation District Ordinance*, in the above named district; that he is of the full age of twenty-one years and that he votes upon the land set opposite his name and for or against the erection of the said district as indicated by the cross set opposite his name.

| Name. | Land voted upon. | For the erection of the district. | Against the erection of the district. |
|-------|------------------|-----------------------------------|---------------------------------------|
|       |                  |                                   |                                       |

*Returning Officer.*

FORM C.

..... Irrigation District.

I, *A.B.*, Returning Officer for the ..... Irrigation District, hereby solemnly declare that the record of votes annexed signed by me is a true record of the votes cast upon the ..... day of ..... 1 ..... for and against the erection of the district and (*if the note was in favour of the erection of the district*) for the election of three trustees for the district and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act, 1893*.

Declared before me at } *Returning Officer.*  
this ..... day of }  
1 . }

*A Commissioner or J.P.*



## CHAPTER 75.

### An Ordinance Respecting Schools.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The School Ordinance*." No. 2 of 1896, s. 1. Short title

#### INTERPRETATION.

2. In this Ordinance except the context otherwise requires : Interpretation

1. The expression "ratepayer" shall mean and include any "Ratepayer" person over the age of twenty-one years whose name appears on the last revised assessment roll of the school district who has paid all taxes due by him to the said district ;

2. The expression "resident ratepayer" shall mean and include : "Resident ratepayer"

(a) In any school district where no assessment has been made, or for the purposes of the first school meeting, any person over the age of twenty-one years actually residing within the proposed school district and who has so resided therein and owned or been the occupant of assessable property therein, for a period of at least three months immediately prior to the date of the first school meeting, or any person over the age of twenty-one years who has actually resided within the proposed district for at least three months immediately prior to the date of the first meeting who is in receipt of taxable income therein ;

(b) After the erection of a school district, any person over the age of twenty-one years actually resident within the school district whose name appears on the last revised assessment roll of the school district who has paid all taxes due by him to such district ;

3. The expression "town school district" shall mean a school district situated wholly or in part within a town or city "Town school district"  
municipality :

Provided that any school district situated wholly or in part within the municipality of Prince Albert shall not be considered a town district ; Provido Prince Albert

Provided further that any school district situated wholly or in part within the municipality of the town of Prince Albert shall be empowered to elect five trustees and no more, such trustees to hold office as in the case of town school districts. No. 2 of 1896, s. 2.

## CLASSES OF SCHOOLS.

Classes of  
schools

**3.** There may be established subject to the provisions of this Ordinance and to the regulations of the Council of Public Instruction the following classes of schools namely :

1. Public schools, for pupils over five years of age in which instruction shall be given in the elements of an English and commercial education ;

2. Separate schools, for pupils over five years of age in which instruction shall be given in the elements of an English and commercial education ;

3. Kindergarten schools, for pupils between four and six years of age in which instruction shall be given according to kindergarten methods ;

4. Night schools, for pupils over fourteen years of age who are unable to attend during the usual school hours ;

5. Normal schools, for the training of candidates for first, second and third class teachers' certificates ;

6. Teachers' institutes, for the reading of papers and the general discussion of educational topics. No. 2 of 1896, s. 3.

## COUNCIL OF PUBLIC INSTRUCTION.

Council of  
Public  
Instruction

**4.** The members of the Executive Council of the Territories and four persons, two of whom shall be Protestants and two Roman Catholics, appointed by the Lieutenant Governor in Council shall constitute a Council of Public Instruction and one of the said Executive Council, to be nominated by the Lieutenant Governor in Council, shall be chairman of the said Council of Public Instruction. The appointed members shall have no vote and shall receive such remuneration as the Lieutenant Governor in Council shall provide.

## Quorum

(2) The Executive Council or any subcommittee thereof appointed for that purpose shall constitute a quorum of the Council of Public Instruction but no general regulations respecting :

## Proviso

- (a) The management and discipline of schools ;
- (b) The examination, grading and licensing of teachers ;
- (c) The selection of books ;
- (d) The inspection of schools ;
- (e) Normal training ;

shall be adopted or amended except at a general meeting of the Council of Public Instruction duly convened for that purpose. No. 2 of 1896, s. 4 ; No. 3 of 1897.

Appointment  
of officers

**5.** The Lieutenant Governor in Council may from time to time, determine what officers or persons it is necessary to employ for any of the purposes mentioned in this Ordinance, assign their names of office, prescribe their duties and salaries, and make the necessary appointments. No. 2 of 1896, s. 5.

**6.** It shall be the duty of the Council of Public Instruction—

Council of  
Public  
Instruction  
Duties

1. To make regulation for the government and discipline of schools and institutes and for the training and certification of teachers ;

2. To prescribe programmes of study and text books ;

3. To define by "standards" the studies to be pursued in all schools, such standards to be numbered from I. upwards; standards above standard V. to be further denominated "High school standards;"

4. To provide for the examination of persons, other than teachers, who may desire to enter professions or who may wish certificates of having completed courses of study in any school;

5. To prepare suitable forms and give such instructions as may be necessary for making all reports and conducting all proceedings required by this Ordinance ;

6. To determine all cases of appeals, disputes and complaints arising from decisions of trustees or inspectors and to make such orders thereon as may be required ;

7. To make any provision not inconsistent with this Ordinance that may be necessary to meet exigencies occurring under its operation. No. 2 of 1896, s. 6.

**7.** The Council of Public Instruction shall report annually to the Lieutenant Governor in Council upon all the schools and institutes herein mentioned with such statements and suggestions for promoting education generally as they may deem useful and expedient. No. 2 of 1896, s. 7.

Annual report  
of council

**8.** The Council of Public Instruction shall have power to suspend for cause the certificate of any teacher and also to cancel the same. No. 2 of 1896, s. 8.

Suspension or  
cancellation of  
certificate

**9.** The chairman of the Council of Public Instruction may empower any person to call any school meeting required to be held under this Ordinance when the person or persons invested with the power to do so neglect or refuse to act. No. 2 of 1896, s. 9 ; No. 5 of 1897, s. 1.

Powers of  
chairman  
C. P. I.  
regarding  
school  
meetings

**10.** The chairman of the Council of Public Instruction may appoint a commissioner to examine into and report upon the condition of any one or more schools and such commissioner shall have the power of a school inspector for the purpose.

Commissioner  
to report on  
schools

(2) The chairman of the Council of Public Instruction may at any time appoint a commissioner to inspect the financial condition of any school district.

On finances  
of district

(3) The chairman of the Council of Public Instruction may appoint a commissioner to conduct the affairs of any school district or districts and any such commissioner appointed shall have within the district or districts all the powers and authorities of the board of trustees and other officials of the district conferred by this Ordinance and such commissioner may be

To conduct  
affairs of  
district

remunerated out of the funds of such district or otherwise as the Lieutenant Governor in Council may decide.

On  
appointment  
of  
commissioner  
trustees cease  
to hold office

(4) Upon the appointment of any such commissioner the board of school trustees of any school district for which he is appointed shall cease to hold office as such. No. 2 of 1896, s. 10; No. 5 of 1897, ss. 1, 2.

#### SCHOOL DISTRICTS.

Name of  
district

**11.** Every school district created under this Ordinance shall be entitled " School District No. of the North-West Territories."

Number

(2) School districts shall be numbered consecutively in the order of their erection. No. 2 of 1896, s. 11.

Area

**12.** A school district shall comprise an area of not more than twenty-five square miles nor more than five miles in breadth or length, exclusive of road allowances, and shall contain not less than four resident ratepayers and twelve children between the ages of five and sixteen inclusive:

Nonresidents  
may obtain  
school  
privileges

Provided always that any person not living within a school district may apply to the trustees of any organised school district to have his or her property not already included in any other district, assessed in any such school district to secure the advantages of education for his or her children and in such case the trustees shall receive such application and place such property on the assessment roll of such district and such property shall remain on such assessment roll until a new district is established including such property:

Special cases  
other  
boundaries  
permitted

Provided that in special cases the chairman of the Council of Public Instruction may permit the boundaries of any school district to exceed five miles in breadth and length or either:

Consent  
necessary

Provided further that such permission shall only be given in cases where all the resident ratepayers affected by such permission have agreed in writing to the same. No. 2 of 1896, s. 12; No. 5 of 1897, s. 1.

#### FORMATION OF SCHOOL DISTRICTS.

Committee  
for erection  
of districts

**13.** Any three ratepayers resident in any area fulfilling the requirements of section 12 of this Ordinance may be formed or may form themselves into a committee to procure its erection into a school district and may petition the chairman of the Council of Public Instruction for such erection. No. 2 of 1896, s. 13; No. 5 of 1897, s. 13 (2).

Petition

**14.** The petition may be in form A in the schedule to this Ordinance, and shall set forth:

Contents

1. The proposed name, limits, location and approximate area of the proposed school district;

2. The total population and the number of adults and children between the ages of five years and sixteen years inclusive



and the number of children below the age of five years resident within the proposed district ;

3. The total number of ratepayers in the district and the number of Protestant and Roman Catholic ratepayers respectively ; and such petition shall be accompanied by a sketch, plan or map of the proposed district showing its boundaries, principal legal subdivisions, physical features and general location ; and except in the case of town school districts, the quarter sections or river lots, if the land is surveyed, on which the children of school age reside. No. 2 of 1896, s. 14.

15. The petition must be accompanied by a solemn declaration of a member of the committee that the members thereof are *bona fide* resident ratepayers of the proposed school district and that the statements made in the petition are correct. No. 2 of 1896, s. 15 ; No. 29 of 1898, s. 2. Verification of petition

16. On receiving the approval of the chairman of the Council of Public Instruction to the limits of any proposed district, a notice calling a meeting of the ratepayers shall be posted up by the petitioners in at least five widely separated places within such limits, one of which shall be the post office therein or nearest thereto, at least two weeks next preceding the date of said meeting. The notice may be in form B in the schedule to this Form Ordinance. Notice of first school meeting

(2) Satisfactory proof that at least five such notices have been posted up as hereinbefore provided shall be furnished by a solemn declaration in form C in the schedule to this Ordinance. No. 2 of 1896, s. 16 ; No. 5 of 1897, ss. 3, 4. Proof of posting

#### FIRST SCHOOL MEETING.

17. At one o'clock in the afternoon (standard time) of the day appointed in the notice of the committee calling the first school meeting the resident ratepayers present shall organise the meeting by appointing a chairman, who shall be a resident ratepayer, and a secretary. No. 2 of 1896, s. 17. First meeting  
Chairman  
Secretary

18. Only resident ratepayers shall be entitled to vote at or take any part in a first school meeting. Voting at first meeting

(2) Every resident ratepayer shall have as many votes as there are trustees to be elected but shall in no case vote more than once for one candidate at the same election. No. 2 of 1896, s. 18.

19. The chairman shall preside and put all motions to the meeting. No. 2 of 1896, s. 19. Chairman's duties

20. The chairman may vote on any question and in case of an equality of votes he shall declare the motion lost. No. 2 of 1896, s. 20. Chairman's vote

21. The chairman shall decide all questions of order subject to an appeal to the meeting. No. 2 of 1896, s. 21. Questions of order

- Poll to be held**     **22.** A poll shall be held to decide the questions of the erection of the proposed school district and the choice of trustees respectively.
- Time of poll**        (2) The poll in each case shall be opened at two o'clock in the afternoon (standard time).
- Nominations**       (3) Nominations for trustees shall be received by the chairman up to the hour of two o'clock in the afternoon (standard time). No. 2 of 1896, s. 22.
- Other questions**     **23.** All other questions shall be decided by a show of hands. No. 2 of 1896, s. 23.
- Returning officer**    **24.** The chairman shall be the returning officer and after the time for nomination for trustees shall have elapsed shall open the poll or polls forthwith. No. 2 of 1896, s. 24.
- Record of votes**  
**Close of poll**        **25.** The secretary shall record the votes given and the poll shall be closed at four o'clock in the afternoon (standard time). No. 2 of 1896, s. 25.
- Oath of qualification**    **26.** If required by any person present or of his own accord if deemed advisable the chairman shall administer the following oath or affirmation to any person desiring to vote :
- I, *A.B.*, do solemnly swear (*or affirm*) that I am a *bona fide* resident ratepayer of (*give name of district in full*); that I am of the full age of twenty-one years; that I am not an unenfranchised Indian; that I have not before voted at this election; and that I have not received any reward either directly or indirectly nor have I any hope of receiving any reward for voting at this time and place. So help me God.
- [*Note.—In the case of an affirmation the words "So help me God" shall be omitted.*] No. 2 of 1896, s. 26.

#### ELECTION OF TRUSTEES.

- Trustees, number**  
**Term of office**     **27.** In school districts other than town school districts there shall be three trustees each of whom after the first election shall hold office for three years and until his successor shall have been appointed. No. 2 of 1896, s. 27.
- Nomination of trustee**    **28.** Each trustee shall be nominated by a mover and seconder both of whom must be present and be resident rate-payers. No. 2 of 1896, s. 28.
- Acclamation**        **29.** In case the number of nominations do not exceed the number of trustees to be elected the chairman shall declare the person or persons nominated to be elected. No. 2 of 1896, s. 29.
- Term of office**  
**First election**        **30.** The trustees elected at a first school meeting shall be declared to hold office as follows :
1. The candidate receiving the highest number of votes or the first one nominated if no vote has been taken shall be

elected to serve until and including the thirty-first day of December of the second year following the election ;

2. The candidate receiving the second highest number of votes or second in order of nomination if no vote has been taken shall be elected to serve until and including the thirty-first day of December of the year following the election ;

3. The candidate receiving the third highest number of votes or the third in order of nomination if no vote has been taken shall be elected to serve until and including the thirty-first day of December following the election :

Provided always that when the election takes place between the thirtieth day of June and the thirty-first day of December following in any year the third trustee shall continue in office until and including the thirty-first day of December of the year following the election ; the second trustee shall continue in office until and including the thirty-first day of December of the second year following the election ; and the first trustee shall continue in office until and including the thirty-first day of December of the third year following the election. No. 2 of 1896, s. 30. Proviso when election in latter half of year

**31.** The persons qualified to be elected trustees shall be actual resident ratepayers within the district, able to read and write and not disqualified under this Ordinance. No. 2 of 1896, s. 31. Qualification of trustees

**32.** No trustee shall hold the office of teacher within the district in which he is a trustee. No. 2 of 1896, s. 32. Teacher disqualified

**33.** Every trustee shall within eight days after his election make the following declaration before the chairman of the meeting at which he was elected or a justice of the peace (which declaration such chairman or a justice of the peace is hereby authorised to receive and take) : Trustees' declaration of office

I, *A.B.*, do hereby accept the office of trustee to which I have been elected in (*name of school district in full*) and I will to the best of my ability honestly and faithfully discharge the duties devolving on me as such trustee during the term for which I have been elected in accordance with law.

(2) The chairman or justice of the peace shall thereupon grant him a certificate in the following form : Certificate that declaration made

I, *C.D.*, do hereby certify that (*give name, residence and occupation of the person mentioned*), elected trustee for (*give name of school district*) has this day made before me the declaration of office as prescribed by the Ordinance in that behalf.

(*Signature*)

*C.D.*,  
Chairman or J.P.

Dated

No. 2 of 1896, s. 33 ; No. 29 of 1898, s. 3.

**34.** The chairman of the first school meeting shall within ten days after the date of the meeting send to the department Chairman to send

department  
copy minutes  
and  
declaration  
as to trustees

of public instruction a certified copy of the minutes of the meeting and a solemn declaration stating the names and addresses of the trustees elected if any and that they have fulfilled the requirements of the next preceding section. No. 2 of 1896, s. 34; No. 5 of 1897, s. 13; No. 29 of 1898, s. 4.

Controverted  
elections of  
trustees

**35.** In case the validity of the election of a school trustee is contested the same may be tried by a judge of the Supreme Court in chambers and any ratepayer of the district may be the relator for the purpose. The judge shall in such case have the like powers as in case of contested elections of councillors under *The Municipal Ordinance* and the proceedings and rules which obtain in such cases shall *mutatis mutandis* be followed and observed in contested elections of school trustees. No. 29 of 1898, s. 32.

#### SEPARATE SCHOOLS.

Separate  
schools

Assessments

**36.** The minority of the ratepayers in any organised public school district, whether Protestant or Roman Catholic, may establish a separate school therein and in such case the ratepayers establishing such Protestant or Roman Catholic separate schools, shall be liable only to assessments of such rates as they impose upon themselves in respect thereof. No. 2 of 1896, s. 45.

Petition for  
erection

Form and  
contents

**37.** The petition for the erection of a separate school district shall be signed by three resident ratepayers of the religious faith indicated in the name of the proposed district. The petition may be in form D in the schedule to this Ordinance and shall set forth—

- (a) The religious faith of the petitioners ;
- (b) The proposed name (stating whether Protestant or Roman Catholic) of the district ;
- (c) Its proposed limits, definite location and approximate area ;
- (d) The total number of ratepayers and of children between the ages of five years and sixteen years inclusive, of the religious faith (Protestant or Roman Catholic) of the petitioners, residing within the limits of the proposed district ;
- (e) The total assessed value of their real and personal property according to the last revised assessment roll of the district ;

Verification  
of petition

and such petition shall be accompanied by a solemn declaration of one of the petitioners verifying the facts set forth in their petition. No. 2 of 1896, s. 46.

Voters on  
petition  
Qualification

**38.** The persons qualified to vote for or against a petition for the erection of a separate school district shall be the ratepayers resident therein being of the same religious faith (Protestant or Roman Catholic) as the petitioners. No. 2 of 1896, s. 47.

**39.** The notice calling a meeting of the ratepayers for the purpose of taking their votes on the petition for the erection of a separate school district may be in form E in the schedule to this Ordinance and the proceedings subsequent to the posting of such notice shall be the same as prescribed in the formation of public school districts. No. 2 of 1896, s. 48.

Notice of ratepayers' meeting and subsequent proceedings

**40.** After the establishment of a separate school district under the provisions of this Ordinance such separate school district shall possess and exercise all rights, powers, privileges and be subject to the same liabilities and method of government as is herein provided in respect of public school districts.

Rights and liabilities of separate school districts

(2) Any person who is legally assessed or assessable for a public school shall not be liable to assessment for any separate school established therein. No. 2 of 1896, s. 49.

Assessment

#### ORDER FOR ERECTION OF SCHOOL DISTRICT.

**41.** Upon notice by the chairman of the Council of Public Instruction that all requirements have been complied with, the Lieutenant Governor in Council may order the erection of the district into a school district or separate school district, as the case may be. No. 5 of 1897, s. 7 ; No. 29 of 1898, s. 8.

Erection of school district

#### DEFERRED SCHOOL MEETINGS.

**42.** In case from want of proper notice or other causes any first or other school meeting required to be held under this Ordinance was not held at the proper time any two resident ratepayers of the school district may within thirty days after the time at which the meeting should have been held call a school meeting by giving eight days' notice to be posted in at least five of the most public places in the school district and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. No. 2 of 1896, s. 42.

Provision when prescribed meetings omitted

Notice and powers of later meeting

#### ANNUAL SCHOOL MEETING.

**43.** An annual meeting of the ratepayers of every school district except town school districts shall be called by the trustees for a day not later than the last Saturday in January of each year by public notice giving the day, place and hour of meeting and such notice shall be posted in five conspicuous places within the district, one of which shall be the post office therein or nearest thereto, eight days before the day for which the meeting is called. No. 2 of 1896, s. 35 ; No. 29 of 1898, s. 5.

Ratepayers' annual meeting

Public notice

**44.** The chairman of the board of trustees if present shall be chairman of the meeting and the secretary of the school district shall record the minutes thereof. In the absence of the chairman the ratepayers present shall elect one of their number to preside. No. 2 of 1896, s. 36.

Chairman and secretary

To be read to  
the meeting

**45.** There shall at such meeting be submitted by the board of trustees and read to the meeting—

Teacher's  
statement

1. A statement of the teacher, signed by him, giving the following particulars :

- (a) The number of days on which school was kept open during each term succeeding the last annual meeting;
- (b) The total number of children attending school during that period, specifying the number of males and females respectively;
- (c) The average daily attendance during each term;
- (d) The branches of education taught in the school and the number of children studying each;
- (e) The number of dismissals of scholars for misbehaviour or other causes;

Inspector's  
report

2. The report of the inspector on the occasion of his last inspection of the school;

Trustees'  
statement  
General

3. A statement showing—

- (a) The names of the trustees;
- (b) The vacancies created in the board during the year, if any, giving the reasons therefor, with an account of the elections held to fill such vacancies and the results thereof;
- (c) The engagements entered into during the year by the board as well as an account of those entailed upon them by their predecessors;
- (d) The amount of assessable property in the district according to the last finally revised assessment roll;
- (e) Rate of school tax per dollar;
- (f) Rate of tax per dollar to pay off debenture indebtedness in cases where the school district is not wholly included within the limits of a municipality;
- (g) The appeals against assessment made to a judge of the Supreme Court and the result of such appeals;
- (h) The times of holding meetings of the board of trustees during the year and the resolutions adopted at such meetings with such particulars of the minutes as may be demanded by any ratepayer present;
- (i) Particulars of the real and personal property held in the district;

Treasurer's  
statement

4. The treasurer's statement showing—

- (a) The amount of money received by the district from all sources during the year, with particulars;
- (b) The amounts accruing to the school district funds of the past year on account of Government grants;
- (c) The amount of money due the district from all sources with particulars;

(d) The amount of money paid out by the district during the year with the particulars of payment ;

(e) The amounts if any due by the district, to whom due and the terms and times of payment ;

5. The auditor's report ;

6. Such further statement in relation to the affairs of the district as may be deemed advisable. No. 2 of 1896, s. 37 ; No. 29 of 1898, s. 6. Auditor's report  
Further statement

**46.** The business of such meeting may be conducted in the following order : Order of business

1. Receiving the statements submitted by the trustees and disposing of the same ;

2. Receiving the report of the auditor and disposing of the same ;

3. Electing an auditor for the following year ;

4. Miscellaneous business ;

5. Electing a trustee or trustees to fill any vacancy or vacancies. No. 2 of 1896, s. 38.

**47.** Except as is otherwise expressly provided the procedure at an annual school meeting shall be the same as that prescribed for the first school meeting. In case any objection is made to the right of any person to vote at an annual school meeting the presiding officer may require such person to make the following oath or affirmation : Procedure  
Objection to voter

I, *A.B.*, do solemnly swear (*or affirm*) that I am a *bona fide* resident ratepayer of (*give name of district in full*) ; that I have paid all taxes due by me to this school district ; that I am of the full age of twenty-one years ; that I am not an unenfranchised Indian ; that I have not before voted at this election : and that I have not received any reward either directly or indirectly nor have I any hope of receiving any reward for voting at this time and place. So help me God. Oath of qualification

[*Note—In the case of an affirmation the words "So help me God" shall be omitted.*] No. 2 of 1896, s. 39.

**48.** If in any school district in which there are more than fifty ratepayers according to the last revised assessment roll any ten resident ratepayers so request, the polling at the annual election of trustee or trustees shall take place on the same day of the week in the week following the meeting at which the nomination of candidates takes place. Postponement of polling

(2) Such request shall be in writing and shall be accompanied by a statutory declaration verifying the same and be delivered to the chairman or secretary of the board of trustees not later than the fifteenth day of December preceding such election.

(3) The poll so to be held shall be open from the hour of ten o'clock in the forenoon and shall continue until and close at the hour of five o'clock in the afternoon. No. 29 of 1898, s. 7.

**Ballot election** **49.** In any school district as in the preceding section mentioned upon a written request signed by not less than ten resident ratepayers the polling at the annual election of a trustee or trustees shall be by ballot according to the manner prescribed by *The Municipal Ordinance* for the election of town school trustees, in so far as the provisions in that behalf may apply.

**Request to be verified**

(2) The request mentioned in this section shall be verified by the affidavit or statutory declaration of a subscribing witness thereto and shall be delivered to the chairman or secretary of the board of trustees not later than the fifteenth day of December immediately preceding the election. No. 29 of 1898, s. 7.

**Time of**

**Nonpayment of taxes disqualifies voter and trustee**

**50.** No person shall be entitled to vote at any school meeting or for the election of a trustee or trustees or to be nominated as trustee in any school district who has not paid all taxes in arrear due by him to such district. No. 2 of 1896, s. 41.

**Qualification of trustees**

**51.** Trustees shall be resident ratepayers who are able to read and write. No. 2 of 1896, s. 40 ; No. 5 of 1897, s. 6.

#### ALTERATIONS IN LIMITS OF SCHOOL DISTRICTS.

**Alteration of boundaries**

**52.** The Lieutenant Governor in Council shall have power to alter the boundaries of a school district by adding thereto or taking therefrom or to divide one or more existing school districts into two or more districts or to unite portions of an existing district with another district or with any new district in case it has been satisfactorily shown before them that the rights of ratepayers under section 14 of *The North-West Territories Act* to be affected thereby, will not be prejudiced and that the proposed changes are for the general advantage of those concerned. No. 2 of 1896, s. 50 ; No. 5 of 1897, s. 13 (3).

**Where debenture debt**

**53.** In the case of any school district having debenture debt outstanding no alteration shall be made in the same or in the boundaries thereof which will prejudicially affect the rights or security of the holder of such debentures without due provision being made for the protection of such holder.

**Adjustment of assets and liabilities**

(2) No alteration shall be made in the boundaries of any school district without due provision being made for the settlement and adjustment of the assets and liabilities of the same between the districts into which the same may be divided or between the same and the portions thereof added to or taken therefrom ; and the Lieutenant Governor in Council may cause the necessary inquiries to be made in order to ascertain and determine the due proportion of such assets and liabilities and the best method of settling and adjusting the same as aforesaid and may in their discretion appoint one or more commissioners to make such inquiries and report thereon and may in and by the proclamation or minute altering such district prescribe and declare the terms of such settlement and adjustment and the manner in which the same shall be carried into effect



and in cases in which by the terms of such settlement and adjustment any rates or taxes are required to be levied or collected upon property in any division of such district or taken from such district, may prescribe by whom, at what times, and in what manner such rates and taxes shall be raised, levied and collected, and to whom the same or any part thereof shall be paid and by what district or districts, in what proportions and to whom the expenses of such settlement and adjustment shall be paid. No. 2 of 1896, s. 51 ; No. 5 of 1897, s. 13 (3).

#### UNION OF PUBLIC AND SEPARATE SCHOOL DISTRICTS.

**54.** If in any area there exist a public school district and a separate school district and it is resolved by the ratepayers of each of such school districts, at a public meeting of such ratepayers respectively called for the purpose of considering the question, that it is expedient that such districts should be disorganised for the purpose of the union of the same and the erection of such area into a public school district the chairman of the Council of Public Instruction may order the disorganisation of such existing districts and order the erection of such area into a public school district with such name as he may decide upon ; and thereafter the said chairman may make such orders, provisions and appointments as to him shall appear proper for the completion of such disorganisation and the erection of the public school district and as to all matters incident thereto and necessary for the establishment and operation of the same as a public school district and for the carrying out therein of all the provisions of this Ordinance and for the adjustment, arrangement and winding up of all the affairs of such disorganised districts and for the settlement of their liabilities and disposition of their assets :

Provided that unless the liabilities of such disorganised districts are not otherwise liquidated the same shall be assumed by and imposed upon such newly created district and any debentures issued by the disorganised districts or either of them shall have the same force and effect upon the newly established district and the property and rates thereof as they had upon the district by which they were respectively issued and its property and rates and the trustees of such newly organised district may authorise and direct the levy and collection of such rate or rates as may from time to time be necessary for the discharging of any liability or debenture indebtedness of a disorganised district assumed by or imposed upon such new district. No. 29 of 1898, s. 9.

#### DISORGANISATION OF SCHOOL DISTRICTS.

**55.** The Lieutenant Governor in Council may by order declare that on and after a day therein to be named any school district shall be disorganised and thereupon the same shall cease to have or enjoy any of the rights, powers and privileges vested in such corporations by this Ordinance ; and upon any such

Adjustment  
of assets and  
liabilities

disorganisation of a school district the chairman of the Council of Public Instruction may appoint one or more persons as commissioners to adjust and settle the assets and liabilities of such district and such commissioner or commissioners so appointed shall have full power and authority to sell and dispose of and convert into money all the assets and property of such district and apply the same so far as the same will extend: first, in payment of the liabilities of the said district and secondly, in payment of his or their remuneration as hereafter mentioned and divide the surplus, if any, *pro rata* among the ratepayers of the said district entitled to share therein; and in case the amount so realised shall be insufficient to pay and satisfy the liabilities of the said district and his or their remuneration then such commissioner or commissioners shall have full power and authority to assess, levy, collect and enforce payment in the same manner as assessors, collectors and treasurers are authorised to do by this Ordinance; of such sum or sums of money as may be required to pay and satisfy such indebtedness (or any balance thereof remaining unpaid) and all expenses connected therewith (including his or their remuneration) which shall be fixed by the chairman of the Council of Public Instruction. No. 5 of 1897, s. 9.

#### CHANGING NAME OF SCHOOL DISTRICT.

Alteration  
of name

**56.** The chairman of the Council of Public Instruction may from time to time alter the corporate name of any school district upon the petition of the trustees of such district and notice of such alteration shall be published in the official gazette but in such cases the seal theretofore used by such district shall continue to be the seal thereof until changed by the trustees.

Seal

Effect of  
change

(2) No change in the corporate name of any school district made in accordance with the provisions of this Ordinance shall affect any obligations, rights, actions or property incurred, established, done or acquired prior to such change. No. 2 of 1896, s. 53; No. 5 of 1897, s. 10.

#### ELECTION OF TRUSTEES IN TOWN SCHOOL DISTRICTS.

Trustees'  
election  
in towns

**57.** In town school districts the annual nomination and election of trustees shall be held at the same time and place as the municipal nominations and elections. The returning officer for the municipality shall receive nominations, declare a poll and prepare ballot papers in the same manner as is prescribed for elections held under *The Municipal Ordinance* or any amendments thereto No. 2 of 1896, s. 54.

Publication  
of annual  
reports

**58.** All reports required under section 45 of this Ordinance where elections are held as provided for under the preceding section may be printed in a newspaper published in the school district at least one week before nomination day or a public meeting shall be held on nomination day and trustees shall then give the required information as is provided for in the case of school districts. No. 2 of 1896, s. 55.

**59.** The board of public school trustees of a town school district shall give notice to the secretary treasurer of the municipality on or before the fifteenth day of November in each year of the number of vacancies required to be filled to make the school board complete and the election to fill such vacancies shall be held on the same day and in the same manner as elections of municipal councillors except as to qualification to vote which shall be as provided for in this Ordinance.

Vacancies  
in board  
Notice to  
municipality  
  
Election

(2) The board of school trustees shall on or before the first day of December in each year furnish the secretary treasurer of the municipality with a list of the resident ratepayers within any portion of the school district which is not included in the limits of the municipality which list shall be delivered to the returning officer by the said secretary treasurer. No. 2 of 1896, s. 56.

List for  
secretary  
treasurer  
of resident  
ratepayers  
not in limits of  
municipality

**60.** In every case in which notice is given as aforesaid the nomination and election of school trustees shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as municipal nominations and election of councillors and the provisions of *The Municipal Ordinance* respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies and declaration of office shall *mutatis mutandis* apply to the election of school trustees. No. 2 of 1896, s. 57.

Municipal  
procedure  
to be used

**61.** In the list of qualified voters to be delivered to the returning officer by the secretary treasurer of the municipality before the opening of the poll the secretary treasurer shall place opposite the names of any persons on the said list who have been returned to him as supporters of separate schools the letters "S.S.S.," and the returning officer shall not deliver to any such person a ballot paper for public school trustees. No. 2 of 1896, s. 58.

Supporters  
of separate  
schools to be  
distinguished

No ballot to  
S.S.S.

**62.** In case any objection is made to the right of any person to vote at any election of town school trustees the returning officer may require the person whose right of voting is objected to, to make the following oath or affirmation :

Objection  
to vote

I A.B. do solemnly swear (*or affirm*) that I am a *bona fide* resident ratepayer of (*give name of district in full*) and have paid all taxes due by me to the said school district ; that I am of the full age of twenty-one years ; that I am not an unfranchised Indian ; that I have not before voted at this election, and that I have not received any reward either directly or indirectly nor have I any hope of receiving any reward for voting at this time and place. So help me God.

Oath

[*Note—In the case of an affirmation the words "So help me God" shall be omitted.*] No. 2 of 1896, s. 59 ; No. 29 of 1898, s. 10.

**63.** A separate set of ballot papers shall be prepared by the returning officer containing the names of the candidates nomi-

Ballots for  
school trustee  
election

nated for school trustees, of the same form as those used for councillors except the substitution of the words "school trustee" for "councillor" on said ballot paper. No. 2 of 1896, s. 60; No. 29 of 1898, s. 11.

Number of  
town trustees

**64.** The board of trustees of every town school district shall consist of five members and no more. No. 2 of 1896, s. 61.

Term of office

**65.** Trustees of town school districts shall be elected to serve for a period of two years.

#### ELECTION OF AUDITOR.

Auditor

**66.** At the first school meeting and at the annual meeting an auditor shall be elected by the ratepayers to audit the accounts of the district for the ensuing year and report the result thereof to the next annual meeting. No. 2 of 1896, s. 63.

In town  
districts

**67.** In town school districts the auditors for the municipality shall be the auditors for the school board at such remuneration as shall be fixed by the school board. No. 2 of 1896, s. 64.

#### MINUTES OF MEETINGS.

Copy  
minutes for  
department

**68.** A copy of the proceedings of every meeting of the ratepayers of a school district after the first school meeting signed by the chairman and secretary shall be forthwith transmitted by the secretary of such meeting to the department of public instruction together with a solemn declaration by the chairman stating the names and addresses of the trustees elected if any and that such trustees have fulfilled the requirements of section 33 hereof. No. 2 of 1896, s. 65; No. 5 of 1897, s. 13; No. 29 of 1898, s. 12.

#### TRUSTEES A BODY CORPORATE.

Trustees  
a body  
corporate

**69.** The trustees of every school district shall be a body corporate and as such body corporate shall have all the rights and be subject to all the liabilities of a corporation at common law and shall have full power to acquire, hold and alienate both real and personal estate for all school purposes and by the same name they and their successors shall have perpetual succession and they shall have full power to sue and be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever and they shall have a common seal and they shall be in law capable of receiving by donation, acquiring, holding, disposing of or conveying any property real or movable for the use of the said school district and of becoming parties to any contracts or agreements in the management of the affairs of the said school district and of negotiating loans and borrowing money upon the credit of such corporation for the purpose of defraying any expenses necessary for the carrying on the business of such corporation, subject always to the regulations and requirements of this Ordinance. No. 2 of 1896, s. 66.

## BOARD OF TRUSTEES.

**70.** If the number of trustees be reduced to one that one Quorum shall be held to be a quorum until other members are elected. No. 2 of 1896, s. 67.

**71.** No trustee shall take or possess any pecuniary interest, Trustee not to be interested in contract of district profit or promise or expected benefit in or from any contract, agreement or engagement, either in his own name or in the name of another, with the corporation of which he is a member or shall receive or expect to receive any compensation for any work, engagement, employment or duty on behalf of such corporation, except as secretary treasurer or for a school site.

(2) Any trustee violating any of the provisions of this section shall thereby forfeit his seat and the remaining trustees shall declare the seat vacant and it shall thereby become vacant and an election to fill the vacancy so created shall be held forthwith. No. 2 of 1896, s. 68. Forfeiture

**72.** It shall be the duty of the board of trustees of every Duties of board school district to—

1. Elect a chairman within ten days after the annual school Elect chairman meeting in each year ;

2. Select and acquire a school site, which shall be in the centre of the district or as near thereto as the situation of the road allowances and the securing of a dry, healthy, and suitable location will permit. In the event of it not being found convenient to have the school house located exactly in the centre of the school district the trustees may locate it elsewhere within the district upon receiving the consent of the chairman of the Council of Public Instruction to such location : Acquire school site

Provided that in town school districts the trustees may select such site as in their judgment is desirable, subject to ratification by the ratepayers in the case of debentures being issued ;

3. Engage a qualified teacher or teachers on such terms as Engage teacher the board may deem expedient, the contract wherefor shall be in writing and may be in form F in the schedule to this Ordinance and a certified copy of such contract shall be at once forwarded to the department of public instruction ;

4. Forthwith report to the department of public instruction Report on teachers the appointment, resignation or dismissal of a teacher or teachers in their districts and in the case of dismissal the reason for such dismissal ;

5. To take possession and to have the custody and safe keep- School property ing of all school property which has been acquired or given for all school purposes to their district ;

6. Do whatever they may judge expedient with regard to School accommodation building, repairing, renting, warming, furnishing and keeping in order the school house or school houses in their district, its or their furniture and appendages, and the school lands and

inclosures held by them and for procuring apparatus and school books for their school and may erect and keep in order stabling accommodation ;

Assessments  
and taxes

7. Make such assessments on real and personal property of the district and levy such taxes as may be necessary to defray all lawful expenses and liabilities of the school district for the year or that part thereof for which such taxes are required to be levied.

Objectionable  
pupils

8. Suspend or expel any pupil whose habitual conduct or condition is found to be injurious to the other pupils ;

Records,  
minutes and  
accounts

9. Keep a record of their proceedings signed for each sitting by the chairman and secretary and see that true accounts both of the school and district are kept and the affairs of the district generally are conducted in the manner provided by this Ordinance and with due regard to efficiency and economy ; the accounts shall at all reasonable hours be open to the inspection of the ratepayers of the school district ;

School  
apparatus

10. Select and provide all such reference books for the use of pupils, maps, globes and other apparatus as may be prescribed by the Council of Public Instruction ;

Provide books  
and slates  
for needy  
children

11. Provide free of cost out of the funds of the district books and slates for the use of the children resident within the district and attending school whose parents are unable through poverty to procure the necessary books and slates for them, the property in such books and slates to remain in the school district ;

School  
library

12. Provide when deemed expedient a suitable library for the school making such regulations as to lending and the prevention of loss or damage to the books of such library as they may think fit ;

Corporate  
seal

13. Procure a corporate seal for the district ;

Reports

14. See that all the reports required by this Ordinance or by the regulations of the Council of Public Instruction are duly transmitted without delay ;

Special  
meetings

15. Call special meetings for any purpose whatever whenever required to do so ;

(a) By the chairman of the Council of Public Instruction ;

(b) In town school districts by a request in writing signed by ten resident ratepayers ;

(c) In other school districts by a request in writing signed by a majority of the resident ratepayers ;

Elections,  
returning  
officer

16. Appoint a returning officer to preside at all elections except as otherwise herein provided under this Ordinance ;

Truancy

17. See that the law with reference to compulsory education and truancy is carried out ;

Water

18. Provide wholesome and pure water for the use of the children during school hours ;

19. Provide separate buildings for privies for boys and girls Privies respectively. The buildings shall be erected in the rear of the school house, at least ten feet, apart their entrances facing in opposite directions or otherwise effectually screened from each other. No. 2 of 1896, s. 69; No. 5 of 1897, s. 13.

73. Any person eligible and elected to the office of school Trustee trustee who refuses to serve as such shall forfeit the sum of \$20, and his neglect or refusal if resident at the time within the district to take declaration of office before the first regular meeting of the trustees shall be construed as such refusal, after which another person shall be elected to fill the place; but no school trustee shall be re-elected except by his own consent during the two years next after his going out of office. No. 2 of 1896, s. 70; No. 5 of 1897, s. 11.

74. Any person chosen as trustee may resign with the consent expressed in writing of his colleagues in office but such resignation shall only take effect upon the election of his successor and a continuous non-residence of three months or neglect or refusal to attend the meetings of the board of trustees during a period of three months or conviction of any felony shall cause the vacation of his office. Such consent may be in form G in the schedule to this Ordinance. No. 2 of 1896, s. 71.

75. Except in town school districts in all cases of vacancy another trustee shall be elected at a meeting called by the trustees or trustee remaining in office and the person so elected shall hold office for the unexpired term of the trustee whom he replaces:

Provided if the vacancy is not filled within one month the chairman of the Council of Public Instruction may appoint some qualified person to fill it.

(2) In all school districts other than town school districts the election of a trustee to fill such vacancy shall be held in the same manner as at a first school meeting. No. 2 of 1896, s. 72; No. 5 of 1897, ss. 1, 12.

#### CONTRACT FOR ERECTION OF SCHOOL HOUSE.

76. The trustees of any school district may by resolution enter into a contract to have a school house built at a cost not to exceed \$500, payment for which may extend over a period of not more than five years at a rate of interest not to exceed eight per centum per annum. No. 2 of 1896, s. 73.

#### POWER TO BORROW.

77. The board of trustees of any school district may authorise the chairman and treasurer thereof to borrow from any person or bank or corporation such sum of money as may be required to meet the expenditure of the school district until such time as the taxes levied thereon can be collected or in the

case of school districts situated within a municipality or partly within a municipality, until such time as the municipal council can pay the school taxes to the trustees; such authorisation shall be by bylaw of the board of trustees and shall be under the seal of the corporation. No. 2 of 1896, s. 74.

#### ELECTION OF CHAIRMAN.

Trustees  
to appoint  
chairman,  
secretary  
and treasurer

**78.** The school trustees shall meet within ten days after their election for the purpose of choosing one of their number as chairman and appointing a secretary and a treasurer and transacting such other business as may be required.

Chairman  
*pro tem.*

(2) In case of absence of the chairman from any meeting of the board the then assembled trustees shall elect one of their number to act in that capacity for the time being, who shall then be vested with the same powers and privileges as the ordinary chairman. No. 2 of 1896, s. 75.

Votes of  
trustees

**79.** In the meetings of the school trustees all questions shall be decided by the majority of the votes and the chairman shall have the right to vote but in case of an equality of votes the question shall be decided in the negative. No. 2 of 1896, s. 76.

#### PROCEEDINGS OF BOARD. MEETINGS.

Corporate  
acts

**80.** No act or proceeding of a board of trustees shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the corporation, of which two clear days' notice in writing shall have been given to each trustee or delivered to some adult person at the residence of each trustee and a majority of trustees at such meeting shall have full authority to perform any lawful business. No. 2 of 1896, s. 77.

Notice of  
meetings

Quorum

Waiver  
of notice

**81.** The trustees may by unanimous consent recorded in the minutes of the meeting and subscribed to by all of them, waive notice of meeting and hold a meeting at any time.

Calling  
meetings

(2) A meeting of the trustees may be called by the chairman or any trustee. No. 2 of 1896, s. 78.

#### DUTIES OF CHAIRMAN.

Duties and  
powers of  
chairman

**82.** The chairman shall—

1. Have general supervision of the affairs of the district;
2. Certify all accounts against the district passed by the board before such accounts are paid by the treasurer;
3. In default of the board of trustees appointing a returning officer, act as returning officer or appoint some other person to act as such at all elections held during the period of his chairmanship. No. 2 of 1896, s. 79.



## SECRETARY.

**83.** The board of trustees at the first meeting in each year, shall appoint a secretary whose duty it shall be to— Duties of secretary

1. Keep a minute of all meetings of the board ; Minutes
2. Call at the request in writing of the chairman or any trustee, special meetings of the board of trustees ; Special meetings
3. Answer all communications on school matters in such a manner as he may be directed by the board ; Correspondence
4. Examine the records and register of the school kept by the teacher and see that they are correct ; Records and register
5. Forward to the department of public instruction from time to time the reports provided for in sections 45, 68, 86 and 87 of this Ordinance and give such other information in regard to the school district as may be desired from time to time by the department of public instruction or the board of trustees ; Forward reports to department
6. Have charge of and keep on record all the books, papers, accounts, assessment rolls and other matters committed to his charge by the board of trustees during his term of office and deliver the same to the chairman of the board on ceasing to hold office ; Books and papers of district
7. Produce the minute and other books, assessment rolls and all papers of the board of trustees for inspection when required by an inspector to do so. No. 2 of 1896, s. 80 ; No. 5 of 1897, s. 13. Produce books and papers

**84.** The minute book and other books of secretaries of all school boards shall be inspected annually and if irregularities are found the inspector shall report the same to the department of public instruction and shall make such recommendation to the trustees as he may deem necessary. No. 2 of 1896, s. 81 ; No. 5 of 1897, s. 13. Inspection of secretary's books

**85.** One of the trustees or a teacher may be secretary of the board but a teacher shall not be appointed treasurer. No. 2 of 1896, s. 82. Secretary Treasurer

**86.** The secretary of every board of trustees shall within one month of the date of the opening of the school notify the department of public instruction of the opening of such school and the qualification of the teacher or teachers employed and the amount of the salary or salaries paid. No. 2 of 1896, s. 83 ; No. 5 of 1897, s. 13. Information to department re teachers

**87.** The secretary of every board of trustees shall forward to the department of public instruction on the fifteenth day of April in each year (or as soon thereafter as the school shall open) a report giving the following information, namely : Secretary's report to department

- (a) Name of teacher ;
- (b) Class of certificate held by each teacher and the date thereof ;

(c) Salary paid each teacher per month ;

(d) Number of children attending school (per register) ;

(e) If school open for the whole year or for only certain months during summer naming the months during which it is intended to keep school open ;

Verification and such report shall be accompanied by an affidavit stating the facts contained therein to be true. No. 2 of 1896, s. 84 ; No. 5 of 1897, s. 13.

#### TREASURER.

Appointment of treasurer **88.** By resolution of the board one of the members thereof may with his consent be appointed treasurer of the district for the whole or any part of a term for which he was elected to  
Remuneration serve and may be remunerated for his services by a sum not exceeding two and one-half per centum on all moneys passing through his hands on account of the district, the proceeds of school debentures excepted.

During pleasure of board (2) Any trustee elected as treasurer as aforesaid shall hold office as such only during the pleasure of the board. No. 2 of 1896, s. 85.

Treasurer other than a trustee **89.** Should it be found inexpedient to appoint a member of the board as treasurer then the board shall appoint a responsible person to be treasurer or secretary treasurer during the pleasure of the board at such remuneration as may be agreed upon. No. 2 of 1896, s. 86.

Security by treasurer **90.** Every treasurer, shall before entering upon his duties as such, give security to the school trustees by a bond signed and acknowledged in duplicate before a commissioner, notary public or justice of the peace and such security shall be given by at least two solvent sureties, jointly and severally, to the satisfaction of the board of trustees or he may furnish in lieu thereof a guarantee from any guarantee company authorised to do business in Canada and to the amount of any moneys for which the treasurer may at any time be responsible whether arising from the school fund or from any particular contribution or donation paid into his hands for the support or benefit of the school district and such security shall be renewed at the beginning of each year or renewed at other times or changed whenever renewal or change is required by the board of trustees. Such bond may be in form H in the schedule to this Ordinance.

Duplicate to department (2) A duplicate copy of the said bond shall be forwarded by the trustees to the department of public instruction.

Grant withheld (3) No grant shall be paid until such bond shall have been received by the department of public instruction. No. 2 of 1896, s. 87 ; No. 5 of 1897, s. 13.

Duties of treasurer **91.** It shall be the duty of the treasurer to collect, receive and account for all school moneys whether derived from the Government or otherwise for the purpose of education within

the district of which he is treasurer and to distribute such moneys in the manner directed by the board of trustees and to keep a record of the same in a book provided for the purpose by the board of trustees and he shall give and take receipts for all moneys so received and paid out by him and shall produce when called for by the trustees, auditor or other competent authority all books, papers and moneys belonging to the corporation and shall hand over the same to the trustees or any person named by them upon his ceasing to hold office.

(2) The treasurer of every school district shall at the end of each term furnish to the department of public instruction in the manner prescribed in form I in the schedule to this Ordinance, a solemn declaration giving the information required for the purpose of compiling the grants payable to each school in such school district. In any term during which any school in such school district has not been kept open the treasurer shall furnish a copy of the return with a notification to that effect written upon its face.

(3) The treasurer of every school district shall furnish to the department of public instruction at the end of each year a statement showing the cash receipts and expenditure, amounts due to and by the district, particulars of the assessment, assets of district, cost of land and buildings together with the auditor's report. Such statement may be in form J in the schedule to this Ordinance. No. 2 of 1896, s. 88; No. 5 of 1897, ss. 13, 14.

**92.** The account books of treasurers of all school boards shall be inspected annually and the inspector shall have power to call for all vouchers, receipts, auditor's reports, statements of accounts and assessment rolls. Any irregularities shall be reported to the trustees and the department of public instruction. No. 2 of 1896, s. 89; No. 5 of 1897, s. 13.

#### MISCONDUCT BY TRUSTEES AND OFFICERS OF DISTRICT. PENALTIES.

**93.** Any trustee, officer, or employee of a school district neglecting or refusing to discharge any duty assigned to him by this Ordinance shall for each offence be liable to a fine not exceeding \$50. No. 2 of 1896, s. 90.

**94.** Any trustee, officer or employee of a school district who, after his ceasing to hold office, detains any money, book, paper or thing belonging to the district shall thereby incur a penalty of not more than \$100 for each day during which he wrongfully retains possession of such money, book, paper or thing after having received notice in writing from the chairman of the board of trustees or from the chairman of the Council of Public Instruction, requiring him to deposit the same in the hands of some person mentioned in such notice. No. 2 of 1896, s. 91; No. 5 of 1897, s. 15.

**95.** Any returning officer of any school district or proposed school district acting under the provisions of this Ordinance

Penalty who shall knowingly and wilfully prejudice the result of any voting by preventing votes from being taken or taking unlawful votes, or altering returns or books in any way, or by any other means shall be liable to a fine of not less than \$100. No. 2 of 1896, s. 92.

Trustees, unauthorised contract or expenditure  
Remedy **96.** Should the trustees of any school district wilfully contract liabilities in the name of the district greater or other than as provided or allowed by this Ordinance or appropriate any of the moneys of the district for purposes other than are provided or allowed by this Ordinance the treasurer of the district or some other person authorised by the chairman of the Council of Public Instruction may recover as a debt in a court of competent jurisdiction from such trustees, jointly or severally, the sum or sums for which the district has been rendered liable through the action of such trustees over and above the amount so provided by this Ordinance in addition to the total amount of any moneys that have been misappropriated by such trustees. No. 5 of 1897, s. 16.

Fines, etc., recovery of **97.** All fines, penalties and forfeitures mentioned in this Ordinance may be recovered and enforced with costs on summary conviction before a justice of the peace; and if any such fine or penalty and costs be not forthwith paid after conviction or order made, the same shall by and under the warrant of the convicting justice of the peace be enforced, levied and collected by distress and sale of the goods and chattels of the offender with costs of the distress and sale and in default of such distress such justice of the peace shall by his warrant cause the offender to be imprisoned for any time not exceeding thirty days unless the fine and costs and the reasonable expenses of endeavouring to collect the same be sooner paid. No. 2 of 1896, s. 94; No. 29 of 1898, s. 13.

Application of penalties **98.** All moneys accruing from fines or penalties under this Ordinance shall belong to the general revenue fund of the Territories and shall forthwith be transmitted to the Territorial treasurer. No. 2 of 1896, s. 95; No. 5 of 1897, s. 17.

#### TEACHER.

Employment of teachers **99.** Within ten months after the issue of the Order in Council erecting a newly organised school district the trustees shall engage a qualified person as school teacher for such period not being more than one year and at such salary as may be agreed upon. No. 2 of 1896, s. 96.

Principal Assistant **100.** In every school in which more teachers than one are employed the head teacher shall be called the principal and the other teachers assistants. No. 2 of 1896, s. 97.

Duties of principal **101.** The principal shall prescribe with the concurrence of the board of trustees the duties of the assistants and shall be responsible for the organisation and discipline of the whole school. No. 2 of 1896, s. 98.

**102.** It shall be the duty of every teacher—Teachers'  
duties

1. To teach diligently and faithfully all the subjects required to be taught in the school according to the terms of his engagement with the trustees and according to the provisions of this Ordinance and the regulations of the Council of Public Instruction ;

Teaching

2. To maintain proper order and discipline ;

Discipline

3. To hold during each year public examinations of his school of which he shall give due notice to the trustees and through the pupils to their parents or guardians ;

Examinations

4. To make at the end of each school term or at such other time as may be approved by the inspector and subject to revision by him, such promotions from one class to another as he may deem expedient ;

Promotions

5. To give strict attention to the proper heating, ventilation and cleanliness of the school house and report to the trustees any necessity for cleaning and ventilating the school building and outhouses in connection with the same and report to the school inspector any neglect on the part of the trustees in this respect ;

Heating  
Ventilation  
Cleanliness

6. To report to the secretary of the trustees any necessary repairs to the school buildings or furniture and any required supply of fuel and drinking water.

Repairs, fuel,  
water

7. To notify the chairman of the board of trustees whenever he has reason to believe that any pupil attending school is affected with or exposed to small pox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders or other contagious disease and to prevent the attendance of all pupils so affected or exposed or suspected of being affected or exposed, until furnished with the written statement of a physician or the chairman of the board of trustees that such contagious disease did not exist or that all danger from exposure to any of them had passed away ;

Contagious  
disease

8. To keep in the prescribed form the school registers and to give access to them to trustees, inspectors and any other person authorised thereto by the chairman of the Council of Public Instruction ;

School  
registers

9. To assist the board of trustees in making the required returns to the department of public instruction ; and to furnish to the department of public instruction, the inspector of schools or the board of trustees or any person appointed under section 10 of this Ordinance any information which it may be in his power to give respecting anything connected with the operations of his school or in any wise affecting its interests or character ;

Returns and  
information

10. To deliver up any school registers, school house key or other school house property in his possession on the written order of the board of trustees ;

Delivery of  
school  
property

11. The teacher of a school may be secretary of the trustees but not treasurer. No. 2 of 1896, s. 99 ; No. 5 of 1897, ss. 13, 18, 19 ; No. 29 of 1898, s. 14.

May be  
secretary

Payment  
of salary

**103.** A teacher whose agreement with a board of trustees has expired or who is dismissed by them shall be entitled to receive forthwith all moneys due him for his services as teacher while employed by the said board; if such payment be not made by the trustees or tendered to the said teacher by them he shall be entitled to recover from the said trustees the full amount of his salary due and unpaid, with interest until payment is made, by a suit in a court of competent jurisdiction.

Interest

Summer  
holidays

(2) A teacher shall be entitled to his salary for that portion of the summer holidays falling within the term of his engagement if, exclusive of such holidays, he shall have been actually employed for a period of not less than three months.

Salary  
quarterly  
at least

(3) Every teacher shall be paid the amount of salary due to him by the board of trustees at least once in every three months. No. 2 of 1896, s. 100; No. 5 of 1897, s. 20.

Salary during  
sickness

**104.** Every teacher in case of sickness, certified by a medical man, shall be entitled to his salary during such sickness for a period not to exceed four weeks for the entire year which period may be increased by the board of school trustees. No. 2 of 1896, s. 101.

#### CONDUCT OF SCHOOLS.

School days  
and hours

**105.** School shall be held between nine o'clock and twelve o'clock in the forenoon and half-past one o'clock and four o'clock in the afternoon of every day, standard time, not including Saturdays, Sundays or statutory holidays but the school trustees may alter or shorten the school hours upon receiving the permission of the chairman of the Council of Public Instruction.

Recess

(2) A recess of fifteen minutes in the forenoon and in the afternoon shall be allowed the children attending school. No. 2 of 1896, s. 102; No. 5 of 1897, s. 21.

School year

**106.** The school year shall begin on the first day of January and end on the thirty-first day of December and shall be divided into two terms ending on the thirtieth day of June and the thirty-first day of December respectively. No. 5 of 1897, s. 22.

Terms

Holidays

**107.** In all schools open during the whole year there shall be seven weeks' holidays of which not less than two nor more than six shall be given in summer and not less than one nor more than five in winter, to be apportioned at the discretion of the various boards of school trustees. The summer holidays shall fall between the second day of July and the thirty-first day of August and the winter holidays shall commence on the twenty-fourth day of December in all schools.

Summer

Winter

Town district

(2) The trustees of any school district in which the school is open during the whole year may allow two weeks' additional holidays.

Where school

(3) When a school is only open during a portion of the year

the trustees of such school may give holidays not to exceed <sup>open portion of year</sup> two weeks, beginning on the second day of July :

Provided that the chairman of the Council of Public In- <sup>Proviso</sup>struction may on proper representation being made to him, allow the trustees of such school to give holidays not exceeding two weeks, at some other time. No. 2 of 1896, s. 104 ; No. 5 of 1897, s. 23 ; No. 29 of 1898, s. 15.

**108.** Ash Wednesday, Good Friday, Easter Monday, <sup>Holidays</sup> Harbour day, the birthday of the reigning sovereign, Dominion day, Labour day, Thanksgiving day, Christmas day, New Year's day and any day specially appointed as a holiday by the Governor General, the Lieutenant Governor of the Territories, the mayor of a city or town or the reeve of a rural municipality shall be holidays ; and it shall be at the discretion of the trustees to permit any other holidays not exceeding one day at a time. No. 2 of 1896, s. 105.

**109.** All schools shall be taught in the English language <sup>English language compulsory</sup> but it shall be permissible for the trustees of any school to cause a primary course to be taught in the French language. <sup>Exception</sup> No. 2 of 1896, s. 106.

#### RELIGIOUS INSTRUCTION.

**110.** No religious instruction (except as hereinafter pro- <sup>Religious instruction</sup>vided) shall be permitted in any school in the Territories from the opening of such school until one half hour previous to the closing of such school in the afternoon after which time any such instruction permitted or desired by the trustees may be given.

(2) It shall however be permissible for the trustees of any <sup>Exception</sup> school district to direct that the school be opened by the recita- <sup>The Lord's prayer</sup>tion of the Lord's prayer. No. 2 of 1896, s. 107.

**111.** Any child attending any school shall have the privi- <sup>Attendance not compulsory during religious instruction</sup>lege of leaving the school room at the time at which religious instruction is commenced as provided for in the preceding section or of remaining without taking part in any religious instruction that may be given, if the parents or guardians so desire. No. 2 of 1896, s. 108.

**112.** No teacher, school trustee or inspector shall in any <sup>No pupil to be deprived of ordinary education</sup>way attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school and any such action on the part of any school trustee, inspector or teacher shall be held to be a disqualification for and avoidance of the office held by him or her. No. 2 of 1896, s. 109.

#### SCHOOL FEES.

**113.** Except for pupils in high school departments no fees <sup>No fees against ratepayers</sup> shall be charged by the trustees of any school district on account of the attendance of any children whose parents or

lawful guardians are ratepayers of such school district at the school thereof; but a rate not exceeding five cents per day per family payable monthly in advance may be charged for any children whose parents or lawful guardians are not ratepayers to such school district;

**Fees charged others** (2) In high school departments the trustees may charge pupils whose parents or lawful guardians are resident ratepayers, a fee not to exceed nine dollars for the first term and six dollars for the second term;

**High school fees, ratepayers** (3) In high school departments the trustees may charge pupils whose parents or lawful guardians are not resident ratepayers, a fee not to exceed thirteen dollars in the first term and eight dollars in the second term. No. 2 of 1896, s. 110; No. 5 of 1897, ss. 24, 25.

#### KINDERGARTEN CLASSES.

**Kindergarten** **114.** Kindergarten classes may be established in any school in the Territories for the teaching and training of children between the ages of four and six years according to kindergarten methods and in such schools a fee may be charged not exceeding \$1 per month for each pupil to cover cost of maintaining such department. No. 2 of 1896, s. 111,

**Fees**

#### NIGHT CLASSES.

**Night school** **115.** Trustees of any school district may engage a qualified teacher and make necessary arrangements at the expense of the school district for the maintenance of a night school:

**Fee** Provided that if the school is kept open for one month a fee may be charged of not more than \$2 per month for each month or portion of a month that the pupil is in attendance. No. 2 of 1896, s. 112.

#### GRANTS TO SCHOOLS.

**Grants** **116.** There shall be paid from and out of any moneys appropriated by the Legislative Assembly for schools in aid of schools organised under and conducted according to the provisions of this Ordinance, night schools, normal schools and teachers' institutes excepted, an amount to be calculated as follows:

**Exception**

**Calculation of attendance** (a) To each school having an average attendance of at least six pupils for the days during which it has been open in any term, a sum of \$1.40 for each day the school was open:

Provided that the total number of days in each year for which grants may become payable shall not exceed two hundred and ten;

**Calculation of attendance** (b) For every pupil in average daily attendance an additional amount of \$1.50 per school year of two hundred and ten days;

**First class teacher** (c) To each school where a teacher is employed who holds a first class professional certificate the sum of twenty



cents for each day (not exceeding two hundred and ten) in the year such teacher is actually engaged in teaching; and to each school where a teacher holding a second class certificate is so employed the sum of ten cents for each day (not exceeding two hundred and ten) in the year such teacher is actually engaged in teaching;

- (d) To each school attaining a minimum grading upon the reports of its inspection, as prescribed by the Council of Public Instruction, on its efficiency in respect to buildings, equipment, government and progress, a sum not exceeding fifteen cents nor less than five cents may be paid according to such grading, for each day (not exceeding two hundred and ten) on which the school has been kept open during the year;

- (e) To any high school complying with the provisions of this Ordinance and the regulations of the Council of Public Instruction a special grant of \$75 per term;

Provided that in case the sum of the grants to be paid in any term under clauses (a), (b) and (c) of this section shall exceed seventy per centum of the salary actually earned by the teacher during that term the amount of the grant under the aforementioned subsections shall be reduced to the amount of the said seventy per centum of salary paid;

Provided further that payment may be made in respect of the amounts earned under clauses (a), (b) and (c) of this section at the end of the terms closing on the thirtieth day of June and the thirty-first day of December on receipt of the return prescribed by the Council of Public Instruction and provided for in subsection 2 of section 91 of this Ordinance; but the grant earned by any school under clause (d) shall be paid only with the last payment of the year;

Provided further that in schools that are only open during a portion of the year payment may be made in respect of the amounts earned under clauses (a), (b) and (c) as soon as the school closes for the year, on receipt of the return prescribed by the Council of Public Instruction and provided for in subsection 2 of section 91 of this Ordinance;

Provided further that in schools where more than one teacher is employed each department shall rank as a school under the provisions of clauses (a) and (d) of this section when the average attendance of the whole school shall at least equal twenty pupils to each teacher employed; but no board of trustees shall engage an assistant teacher (expecting Government aid on that account) without having given the department of public instruction at least three months' notice of their intention to do so and having received its approval;

Provided further that the amount or amounts shown in the treasurer's return provided for in subsection 2 of section 91 of this Ordinance to be due to any teacher or teachers shall be paid direct and proportionately to such teacher or teachers to the extent of the grant;

Provided further that no grant shall be paid to any school district until the bond of the treasurer provided for in section

90 hereof shall have been received and registered by the department of public instruction ;

Absence of  
teacher  
at institute

(2) Any school which has been closed on account of the absence of the teacher in attending a teachers' institute held under the regulations of the Council of Public Instruction shall be entitled to all grants as if the school had been actually in operation during such period. For the purpose of computing the grant for such period the average attendance for the week immediately preceding the closing of the school shall be deemed the actual attendance during the period it remains closed from this cause ;

Special grants

(3) Upon the recommendation of the chairman of the Council of Public Instruction the Lieutenant Governor in Council may order the payment of a special grant to any school, whether organised according to law or not out of the general revenue fund of the Territories ;

Where returns  
delayed

(4) Grants may be withheld from any school district where by reason of the neglect of the treasurer or teacher or other official of the district, any returns as provided by this Ordinance are delayed more than thirty days after the end of the term or date otherwise specified for them to be forwarded to the department. No. 2 of 1896, s. 113 ; No. 5 of 1897, ss. 13, 26, 27, 28, 29, 30.

Computation  
of average

**117.** The daily average attendance shall be computed by dividing the aggregate attendance of the pupils for a term by the total number of days in such term in which the school was kept open.

Where school  
closed by  
reason of  
disease

(2) If a school has been closed by the written order of a duly qualified medical practitioner on account of the prevalence within the district of any disease, the Lieutenant Governor in Council may, upon the recommendation of the chairman of the Council of Public Instruction, pay grants in respect of such days as the school has been closed, but in no case shall such grants be paid for more than thirty days in the calendar year.

Average  
reduced owing  
to disease

(3) If on account of the prevalence of any disease in the district the average daily attendance falls below the number requisite to earn the grants, the Lieutenant Governor in Council may, upon the recommendation of the chairman of the Council of Public Instruction, pay the grants on the basis of the actual attendance for such term. No. 2 of 1896, s. 114 ; No. 5 of 1897, s. 31.

New districts

**118.** New districts shall only become entitled to Government aid on, from and after the first day of the school term following the Order in Council for their erection. No. 2 of 1896, s. 115.

Forfeiture  
of grants

**119.** Any school the officers of which shall allow such school to be taught or conducted in violation of the provisions of this Ordinance or of the regulations of the Council of Public Instruction shall be liable to forfeit all rights to participate in any of the grants provided by this Ordinance to aid the schools

of the Territories and upon satisfactory evidence of such violation such grants may be withheld. No. 2 of 1896, s. 116.

#### ASSESSMENT AND TAXATION.

**120.** Where a school district is situated within a municipality the trustees may, as soon as may be after the final revision of the assessment roll of the municipality, make a demand on the council of such municipality for the sum required for school purposes for the then current year; but such sums shall not exceed an amount equal to twelve mills on the dollar, according to the last revised assessment roll, on the property liable to assessment in such school district for ordinary school purposes with such additional amount as may be necessary to meet any debenture indebtedness that may have been incurred and may be coming due. No. 2 of 1896, s. 117.

Assessment where district in municipality

**121.** The trustees of any school district the whole or any portion of which is situated within a municipality may demand of the council of the municipality that the amount for which the school district or the part thereof situated within the municipality is liable for school purposes shall be imposed and collected by the municipality and the lands and property of persons liable for such amounts shall be assessed and the same shall be collected as other rates by the municipality. No. 2 of 1896, s. 118.

Collection of school rates by municipality

**122.** If the amount collected falls short of the sum required the council may direct the deficiency to be made up from any fund belonging to the municipality except sinking funds to retire debentures. No. 2 of 1896, s. 119.

Deficiency

**123.** If there be no unappropriated funds the deficiency may be deducted from the sums estimated as required or from any one or more of them but not from the estimates supplied by the school trustees. No. 2 of 1896, s. 120.

How deficiency supplied

**124.** Should the amount collected exceed the estimates the sum in excess shall be paid over to the treasurer of the school board. No. 2 of 1896, s. 121.

Surplus

**125.** In cases where the amount collected has been on account of some special purpose and is not required for such purpose it shall form part of the general fund of the municipality. No. 2 of 1896, s. 122.

Unnecessary levy

**126.** In cases where separate school districts have been established when property owned by a Protestant is occupied by a Roman Catholic and *vice versa* the tenant in such cases shall only be assessed for the amount of property he owns whether real or personal but the school taxes shall in all cases whether or not the same has been or is stipulated to the contrary in any deed, contract or lease whatever, be paid in the school district to which such owner is a ratepayer. No. 2 of 1896, s. 123.

Separate school district, assessment of tenant

Separate  
school district,  
assessment of  
joint owners

**127.** In cases where separate school districts have been established whenever property is held as joint tenants or tenants in common by two or more persons, the holders of such property being Protestants and Roman Catholics, they shall be deemed and held accountable to the board or boards of trustees for an amount of taxes in proportion to their interest in the premises, tenancy or partnership respectively and such taxes shall be paid to the school district to which they respectively are ratepayers. No. 2 of 1896, s. 124.

Separate  
school district  
Company may  
be assessed  
as supporter

**128.** A company may by notice in that behalf to be given to the secretary treasurer of any municipality wherein a separate school district is either wholly or in part situated and to the secretary of the board of trustees of any school district in which a separate school has been established and to the secretary of the board of trustees of such separate school district, require any part of the real property of which such company is either the owner and occupant or, not being such owner, is the tenant, occupant or actual possessor and any part of the personal property if any of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice and so much of the property as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes but all other property of the company shall be separately entered and assessed in the name of the company as for public school purposes :

Proviso as to  
proportion of  
shares held  
in district

Provided always that the share or portion of the property of any company entered, rated or assessed in any municipality or in any school district for separate school purposes under the provisions of this section shall bear the same ratio and proportion to the whole property of the company assessable within the municipality or school district as the amount or proportion of the shares or stock of the company (so far as the same are paid or partly paid up are held and possessed by persons who are Protestants or Roman Catholics as the case may be) bears to the whole amount of such paid or partly paid up shares or stock of the company.

Notice to be  
continuing

(2) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient and every such notice so given shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given pursuant to any resolution of the company or of its directors.

Notice open  
to inspection

(3) Every such notice so given to such secretary treasurer shall remain with and be kept by him on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect the assessment roll and the assessor shall in each year before the completion and return of the assessment roll, search for and examine

Assessor to  
examine

all notices which may be on file in the clerk's office and shall thereupon in respect of said notices if any follow and conform thereto and to the provisions of this Ordinance in that behalf.

(4) False statements made in any such notice shall not relieve the company from rates. Any company fraudulently giving such notice or making false statements therein shall be liable to a penalty not exceeding \$100. Any person giving, for a company, such a statement fraudulently or wilfully inserting in any such notice a false statement shall be guilty of an offence and liable on summary conviction to the like penalty. Fraudulent notices Penalty

(5) The word "company" in this section shall mean and include any body corporate. "Company"

(6) Notwithstanding anything contained in this and the two last preceding sections any land liable to assessment for debenture indebtedness at the time of the issue of any debentures shall remain liable to and subject to assessment for such debenture indebtedness until the whole of such indebtedness has been paid and satisfied. No. 2 of 1896, s. 125; No. 5 of 1897, s. 32; No. 29 of 1898, s. 16.

**129.** If a school district be situated partly within two or more municipal corporations then the board of trustees may make a demand upon each of such corporations for that proportion of the amount of money required by such district which may justly be demanded by such district according to the amount of property included within the limits of the district and situated within the limits of such municipality; or the trustees may themselves or by means of an assessor levy an assessment as provided in this Ordinance. No. 2 of 1896, s. 126. Assessment where district in two municipalities

**130.** The trustees of any school district or an assessor whom they may appoint, as soon as may be in each year shall prepare an assessment roll for the school district or for that part of the district which is not within the limits of any municipality, in which shall be set down, according to the best information to be had, a list of all the property taxable for their school in the district, with the names of the occupants and owners if such can be procured and such list shall contain in one line but in different columns the following information: Preparation of assessment roll

1. Name of occupant or person in possession (if there be no Content occupant a statement to that effect):

- (a) Religion of occupant (whether Roman Catholic or Protestant);
- (b) Sex;
- (c) Age;
- (d) Occupation;
- (e) Place of residence.

2. Name of owner if it can be ascertained (if owner's name be unknown such particulars concerning ownership as may be known):

- (a) Religion of owner (whether Roman Catholic or Protestant);
  - (b) Sex;
  - (c) Age;
  - (d) Occupation;
  - (e) Place of residence and post office address.
3. Description of real property in occupation of each person;
- (a) Part and number of section, township, range and meridian or number and description of lot in special survey or number of lot or house or other particulars of each parcel;
  - (b) Improvements in cultivated lands (giving area) and buildings on each parcel;
  - (c) Area in acres or the number of feet frontage of each parcel;
  - (d) Value of each parcel;
  - (e) Total value of real property.
4. Description of taxable personal property:
- (a) Taxable personal property other than income with particulars;
  - (b) Value of such personal property;
  - (c) Taxable income;
  - (d) Total value of personal property including taxable income;
5. Total value of taxable real and personal property. No. 2 of 1896, s. 127.

"Land"  
"Real  
property"  
"Real estate"

**131.** "Land," "real property" and "real estate" respectively shall include all buildings or other things erected upon or affixed to the land and all machinery or other things so fixed to any building as to form in law part of the realty and all trees or underwood growing upon the land and all mines, minerals, quarries, fossils in and under the same except, mines belonging to Her Majesty.

"Personal  
estate"  
"Personal  
property"

(2) "Personal estate" and "personal property" shall include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, money, notes, accounts and debts contracted within the district at their actual value and income from whatever source derived and all other property except land and real estate and real property as above defined.

"Property"

(3) "Property" shall include both real and personal property as above defined. No. 2 of 1896, s. 128; No. 29 of 1898, ss. 17, 18.

Taxable  
property

**132.** All real and personal property situated within the limits of any school district or income derived by any person resident within the limits of such district and live stock which

is within the limits of a school district for a portion of the twelve months prior to the assessment shall be liable to taxation subject to the following provisions and exemptions :

1. All property held by Her Majesty or for the public use of the Government of the Territories or specially exempted by the Parliament of Canada ; Crown property and exemptions

2. All property held by or in trust for the use of any tribe of Indians or the property of the Indian department ; Property of Indians

3. Where any property mentioned in the preceding clauses is occupied by any person otherwise than in an official capacity the occupant shall be assessed in respect thereof but the property itself shall not be liable ; Exception

4. The buildings and grounds, to the extent of two acres, of all public and separate schools and the personal property belonging to the same, being used for school purposes, and under the management of the Council of Public Instruction of the Territories ; School buildings and property

5. A building used for church purposes and not used for any other purpose for hire or reward and the lot or lots whereon it stands not exceeding one-half acre, except such part as may have any other building thereon ; Churches

6. Gaols and court houses and the necessary land attached thereto ; Gaols and court houses

7. Any land in use as a public cemetery not exceeding twenty-five acres ; Cemeteries

8. The books of every public library ; Public libraries

9. The income of a farmer derived from his farm and the income of merchants, mechanics and other persons derived from capital liable to taxation . Income

(2) The annual income of any person derived from his personal earnings provided the same does not exceed \$600.

10. Grain, household effects of every kind, books and wearing apparel ; Grain, Effects

11. The increase in the value of the land by reason of the annual cultivation thereof, together with the growing crops, or by reason of the cultivation of trees ; Annual increase in value

12. All works constructed, operated and used in connection with irrigation ditches as well as the ditches themselves operated under and subject to the provisions of *The North-West Irrigation Act, 1898* ; provided however should any such works be not operated during one year then such works and ditches shall not be exempt from taxation during the year following that in which said works were not operated ; Irrigation works

Provided that live stock which has been assessed against the owner thereof in the school district in which he resides shall not be liable to assessment in any other school district. No. 2 of 1896, s. 130 ; No. 29 of 1898, ss. 19, 20. Proviso

Right to  
waive  
exemption  
from taxation

**133.** A person occupying property or deriving income not liable to taxation may compel the assessor on written demand to assess him for such property or income in order that he may thereby be qualified for voting or holding office. No. 2 of 1896, s. 131.

Occupant to  
be assessed

**134.** Subject to section 126 of this Ordinance land and personal property shall be assessed against the person in occupation or possession thereof unless when in the case of a non-resident owner such owner shall in writing require the assessor to assess him alone for such property, but the person assessed shall in all cases unless there is a stated agreement to the contrary have summary recourse against such owner for the amount of taxes paid. No. 2 of 1896, s. 132.

Assessment  
for income

**135.** No person deriving an income exceeding \$600 per annum from any trade, calling, office, profession or other source whatsoever not declared exempt by this Ordinance shall be assessed for a less sum as the amount of his net personal property than the amount of such income during the year then last past in excess of the said sum of \$600 but no deduction shall be made from the gross amount of such income by reason of any indebtedness save such as is equal to the annual interest thereon and such last year's income in excess of the said sum of \$600 shall be held to be his net personal property unless he has other personal property liable to assessment in which case such excess and other personal property shall be added together and constitute his personal property liable to assessment. No. 2 of 1896, s. 133.

Recovery  
of taxes

**136.** Taxes may be recovered either from the owner or occupant. No. 2 of 1896, s. 134.

Joint tenants,  
etc.

**137.** Where more persons than one are joint tenants or tenants in common or holders of any property they or any number of them shall be assessed for the whole of such property subject always to the provisions of section 127 of this Ordinance and such assessment may be levied upon any one or more of them saving always the recourse of such persons against the remaining holders, tenants or owners. No. 2 of 1896, s. 135.

Assessment  
Cash value

**138.** Real and personal property shall be estimated at their actual cash value as would be appraised in payment of a just debt from a solvent debtor. No. 2 of 1896, s. 136.

Stock in trade

**139.** In assessing stock in trade the assessor shall assess a person, firm or corporation for the amount of the average stock in trade kept on hand by such person, firm or corporation during the twelve months immediately prior to the date of assessment. No. 2 of 1896, s. 137.

Assessor may  
require  
statement

**140.** Any person may be required by the assessor to deliver to him a written statement of all property for which he is liable to be assessed with such other information as to owner,



occupant, location and value or other necessary particulars as may be demanded and if he fails to do so or knowingly makes any false statement such person shall upon complaint of the assessor forfeit and pay a fine not exceeding \$50 to be recovered upon summary conviction. No. 2 of 1896, s. 138.

Omission to furnish  
Penalty

**141.** The assessment roll shall be completed by the first day of April or so soon thereafter as may be in each year and the assessor shall before handing the roll over to the secretary of the board of trustees make an affidavit (which shall be inscribed upon the roll) that the statements contained therein are correct to the best of his knowledge and belief after making due inquiry in each case. No. 2 of 1896, s. 139.

Completion of roll  
Verification

**142.** Upon a petition hereinafter provided for being presented to the trustees of any school district situated wholly outside the limits of any municipality, the trustees may assess or direct the assessor to assess for all purposes the owners or occupants of all lands in the district in respect of their ownership or occupancy for a rate not to exceed ten cents per acre and thereafter the said system of assessment shall be employed in the district until a petition for its discontinuance shall have been presented to the trustees.

Single tax  
Assessment

(2) The petition for the adoption or discontinuance of the said system of assessment shall be signed by three-fourths of the resident ratepayers whose signatures shall be verified by the affidavit of a subscribing witness thereto ;

Petition for

(3) The statements contained in the petition shall be verified by the affidavit of two of the subscribing petitioners ;

Verification

(4) The petition may be in form K in the schedule to this Ordinance ;

Form

(5) Upon the adoption of said system of assessment no other assessment shall be made or rate levied in the district. No. 2 of 1896, s. 129 ; No. 5 of 1897, s. 35.

No other assessment

**143.** On receipt of the assessment roll by the secretary of the board of trustees, in form as hereinbefore provided, he shall file the same and at all convenient office hours shall keep it open to the inspection of all persons resident or owning or in the possession of property or in receipt of incomes within the district or the agents of such persons appointed in writing for at least the space of two weeks and until the sitting of the court of revision, and an overseer of a village may have access to the assessment roll at all convenient office hours. No. 2 of 1896, s. 140.

Assessment roll open for inspection

**144.** As soon as the assessment roll shall have been completed and filed as hereinbefore provided the secretary of the board of trustees for the assessor, shall notify in writing by post or otherwise every person whose name appears upon such roll and whose address is known, as follows :

Notice of assessment

.....School district,                      day of                      1  
 Sir (or Madam),

You are hereby notified that your name appears on the assessment roll of this school district for the present year as the owner (or occupant) of the following property: (*Then give description of property and its assessed value*). The board of trustees for the district will sit as a court of revision as follows: (*mention day, hour and place at which court shall be held*) and if you consider that you have been wrongfully assessed as above stated you will have an opportunity to make a statement of your case before the above court.

Take notice that if you do not give notice in writing of appeal to the secretary of the school board one day previous to the meeting of the court of revision and if you do not appear before the court of revision either in person or by agent you will not be entitled to appeal from its decision to a judge of the Supreme Court.

(Signature)

A.B.,  
 Secretary Board of Trustees,  
 P.O. Address:  
 for C.D.,  
 Assessor.

To E.F.

Appeal to  
 court of  
 revision

(2) Any person who intends appealing against his assessment must give notice of such appeal in writing to the secretary of the board of trustees one day previous to the meeting of the court of revision.

Objections to  
 assessment  
 other than  
 appellant's

(3) If any ratepayer within the school district thinks that any person has been assessed too high or too low or has been wrongly inserted in or omitted from the assessment roll or that the property of any person has been misdescribed or omitted from the roll or that the assessment has not been performed in accordance with the provisions and requirements of this Ordinance, the secretary of the board of trustees shall, on his request in writing, give notice by post or otherwise to such person and the assessor of the time when the matter will be tried by the court and the matter shall be decided in the same manner as complaints by a person assessed.

List of appeals  
 to be published

(4) The secretary of the board of trustees shall post up in some convenient place within the school district a list of all complaints made by persons on their own behalf against the assessor's return and of all complaints on account of assessment or want of assessment of other persons stating the names both of the complainant and the party complained against with a concise statement of the matter complained of together with an announcement of the time when the court will be held to hear the complaints; and except as herein otherwise provided no alterations shall be made in the roll unless under a complaint formally made according to the above provisions.

No alterations  
 except  
 hereunder

Omission  
 from roll  
 may be  
 remedied

(5) If at any time before the day fixed for the sitting of the court of revision it shall be discovered that the property or income of any taxable person or part thereof has been omitted

from the roll the secretary shall notify such taxable person, if known, by registered letter that at the sitting of the court of revision to be held at least fifteen days after such notice, an application will be made to the said court to assess such taxable property for such sum as may be deemed right and that such taxable person is required to attend such court to show cause why the said taxable property should not be assessed and as to the amount the same should be assessed for; Procedure

6. The secretary shall also prepare a notice in the form following for each person with respect to whose assessment a complaint has been made by any third party : Notice of complaint

Take notice that you are required to attend the court of revision for the school district of \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1 \_\_\_\_\_ in the matter of the complaint by \_\_\_\_\_, appellant, that you are assessed too high (or too low or not a *bona fide* resident, or as the case may be).

(Signature)

A.B.,  
Secretary,  
P. O. address :

and every such notice shall be posted by a registered letter to the post office address of such person as entered on the assessment roll, fifteen days before the sitting of the court or be personally served on such person at least six days before the sitting of the said court. No. 2 of 1896, s. 141 ; No. 29 of 1898, s. 21. Service of notice

**145.** The board of trustees of any school district shall sit as a court of revision not more than thirty days from the filing of the roll and shall hear all complaints notice of which shall have been given as provided for in section 144 of this Ordinance and may adjourn from day to day until such complaints have been disposed of. No. 2 of 1896, s. 143. Court of revision

**146.** The board of trustees shall cause to be posted up at least twenty days before the meeting of the court of revision in at least five conspicuous places within the district, one of which shall be the post office therein or nearest thereto, a notice that the assessment roll of the district for the current year has been made up and where it may be examined also the time and place at which the court of revision will be held, with a notice that such parties as do not appear before the court of revision will not be entitled to appeal from the decision of the court of revision to a judge of the Supreme Court. No. 2 of 1896, s. 142 ; No. 29 of 1898, s. 22. Public notice prior to court of revision

**147.** Such court of revision shall have the power to take evidence under oath if necessary and shall alter or amend the assessment roll in accordance with their decision in each case. No. 2 of 1896, s. 144. Powers of court of revision

**148.** The roll as finally passed by the court and certified by the secretary as passed shall (except in so far as the same may Roll final when passed

by court  
of revision

be further amended on appeal to a judge of the Supreme Court) be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect or error or misstatement in the notice required by subsection 5 of section 144 of this Ordinance or the omission to deliver or transmit such notice. No. 5 of 1897, s. 36.

Appeal to  
judge of  
Supreme  
Court

**149.** If a person is dissatisfied with the decision of the court of revision he may appeal therefrom to a judge of the Supreme Court. In all cases of such appeals the proceedings shall be as follows :

Notice of  
appeal

1. The person appealing shall in person or by his agent serve upon the secretary of the school district within eight days after the decision of the court of revision a written notice of his intention to appeal to a judge of the Supreme Court ;

List of appeals  
for judge

2. The secretary shall immediately after the time limited for filing notice of appeals forward a list of the same to the judge of the Supreme Court usually exercising jurisdiction in the judicial district of which such school district forms a part or if such school district forms a part of more than one judicial district then to the judge whose official residence is nearest the school district and the judge shall thereupon appoint a time and place to hear such appeals and shall notify the secretary, personally or by post, of such appointment ;

Notice of  
hearing  
appeals

3. The secretary shall thereupon give notice to all the parties appealing and appealed against in the same manner as is provided for giving notice on a complaint to the court of revision specifying the time and place when and where the appeal will be heard but in the event of failure by the secretary to have the required service of notice in any appeal made or to have the same made in proper time the judge may direct service to be made for some subsequent day upon which he may sit :

List of appeals,  
etc., to be  
posted

4. The secretary of the school district shall cause a conspicuous notice to be posted up in his office or the place where the board of trustees holds its sittings containing the names of the appellants and parties appealed against with a brief statement of the ground or cause of appeal together with the time and place at which a court will be held to hear appeals ;

Clerk of court  
such court

5. The secretary of the school district shall be the clerk of such court ;

Hearing of  
appeals

Determination

6. At the court so holden the judge shall hear and determine the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that all appeals may be determined before the first day of September ;

Production  
of roll and  
papers to  
judge

7. At the court to be holden by the judge to hear and determine the appeals hereinbefore provided for the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be altered and amended according to the decision of the judge if then given who shall write his initials opposite any part of the said roll in which any mistake, error or omis-

(Correction  
of roll)

sion is corrected or supplied and if the decision is not then given the secretary of the school district shall when the same is given forthwith alter and amend the roll according to the same and shall write his name opposite every such alteration or correction ;

8. In all such proceedings the judge shall possess all the <sup>Powers of</sup> powers for compelling the attendance and for the examination <sup>judge</sup> on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the Supreme Court ;

9. All process or other proceedings in, about or by way of <sup>Intituling</sup> appeal may be intituled as follows : <sup>process</sup>

"In the matter of appeal from the court of revision of the school district of

*A.B.*,

Appellant,

and

*C.D.*,

Respondent.

10. The costs of any proceeding before the judge as afore- <sup>Costs</sup> said shall be paid by or apportioned between the parties in such manner as the judge thinks proper ; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the Supreme Court or in the same manner as upon an ordinary judgment for costs recovered in such court ;

11. The costs chargeable or to be awarded in any case may <sup>Allowances</sup> be the costs of witnesses and of procuring their attendance and <sup>for costs</sup> none other, the same to be taxed according to the allowance in the court for such costs ; and in case where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder ;

12. The decision and judgment of the judge shall be final <sup>Judgment</sup> and conclusive in every case adjudicated upon. No. 2 of 1896, <sup>final</sup> s. 145 ; No. 29 of 1898, s. 23.

**150.** So soon as the assessment roll has been finally revised <sup>Rate to be</sup> by the board of trustees as aforesaid they shall make an esti- <sup>struck</sup> mate of the probable expenditure of the school district for the current year and shall strike such a rate of assessment on the assessed value of the taxable property within the district for the school they represent as shall be sufficient to meet such probable expenditure making due allowance for charges and probable loss in collection. No. 2 of 1896, s. 146.

**151.** Except in districts which have adopted the system <sup>Rate limit</sup> provided for in section 142 hereof such rate shall not exceed twelve mills in each dollar of property liable to taxation for ordinary school purposes with such additional rate per dollar as may be necessary to meet any debenture indebtedness that

may have been incurred by such school district on the terms upon which it was incurred. No. 2 of 1896, s. 147.

#### COLLECTION OF TAXES.

Collector's roll  
Contents

**152.** The board of trustees shall cause to be made out a collector's roll for the district on which shall be set down the name of every person assessed, the assessed value of his real property and the amount with which such person is chargeable according to the rate of taxation struck in respect of sums ordered to be levied by the board of trustees with any other particulars that may be necessary and such roll shall be placed in the hands of the treasurer or collector duly appointed by the trustees for collection.

Rebate in  
taxes

(2) The board of school trustees may by resolution allow a rebate not to exceed ten per centum upon all taxes paid within thirty days after the same have become payable. No. 2 of 1896, s. 148.

Collector's  
notice

**153.** As soon as the treasurer or collector shall have received the collector's roll he shall remit or cause to be remitted by mail or otherwise to each person whose name appears upon it as assessed for taxes, a notice in the following form :

School District of

day of 1 .

Sir (*or Madam*),

You are hereby notified that you are assessed on the assessment roll of this district for the following properties : (*here give description and assessed value*) the taxes on which at the rate of on the dollar amount to and arrears to the amount of . If the above amount is not paid to the undersigned within thirty days from the date of this notice action to recover as provided by law will be taken.

*A.B.,*

P. O. address :

Treasurer *or* Collector.

To *C. D.*

No. 2 of 1896, s. 149.

Receipt and  
entry of  
payment

**154.** The treasurer or collector as the case may be shall give receipts on behalf of the school district for all taxes paid to him and shall enter the fact of such payment with the date on the collector's roll. Payments made on account of taxes due upon any land shall be first applied in payment of arrears of taxes due upon such land. No. 2 of 1896, s. 150.

Appropriation

Collector to  
name  
defaulters  
to board,  
Action  
thereon

**155.** The treasurer or collector shall notify the board of trustees from time to time of the names of persons who fail to pay the taxes assessed against them and the board of trustees shall take or authorise to be taken such action for the collection of such taxes as is hereinafter provided. No. 2 of 1896, s. 152.

**156.** In case any person fails to pay the taxes assessed against him within the thirty days specified in the notice provided by section 153 of this Ordinance the treasurer or collector may by himself or his agent levy the same with costs by distress of the goods and chattels of the person against whom the same are assessed situated within the school district or of any goods and chattels found upon the premises assessed the property of or in the possession of any other occupant of the premises and the costs chargeable shall be the same as those allowed in the schedule to chapter 34 of *The Consolidated Ordinances*. No. 2 of 1896, s. 153. Levy by distress  
Costs

**157.** The treasurer shall by advertisement posted up in at least three public places in the school district and also by publishing the same in the newspaper published in or nearest to the said school district give at least six days' public notice of the time and place of such sale and the name of the person in payment of whose taxes the property is to be sold and at the time named in the notice the treasurer or collector or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes assessed with all lawful costs, including the cost of advertisement, up to the close of the sale. No. 2 of 1896, s. 154; No. 5 of 1897, s. 38. Sale of  
distrained  
property  
Procedure

**158.** If the property distrained has been sold for more than the amount of taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus it shall be returned to the person in whose possession the property was when the distress was made. Disposition  
of surplus

(2) If any such claim is made by the person for whose taxes the property was distrained and the claim is admitted the surplus shall be paid to the claimant.

(3) If the claim is contested such surplus money shall be paid over by the treasurer or collector of the district to the clerk of the Supreme Court within whose jurisdiction such school is situated who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise. No. 2 of 1896, s. 155.

**159.** Taxes may be recovered as a debt due to the school district in which case the production of the collector's roll or a copy of so much thereof as relates to the taxes payable by such person, certified as a true copy by the secretary of the school district, shall be *prima facie* evidence of the debt. No. 2 of 1896, s. 156; No. 29 of 1898, s. 24. Recovery of  
taxes as a debt  
Evidence

**160.** The treasurer or collector as the case may be shall on or before the first day of December in each year return the collector's roll to the secretary of the board of trustees with an account of all moneys received by him accompanied by an affidavit made before a justice of the peace that the collection and other proceedings have been taken in accordance with the Return of roll  
Account  
Verification

terms of this Ordinance and that all the returns contained therein are correct. No. 2 of 1896, s 157.

Return of  
arrears

**161.** The treasurer or collector as the case may be shall at the same time make a return verified by affidavit as provided in the next preceding section, of all property upon which the taxes or any portion thereof remain unpaid and the reason of the failure of such payment ;

Copy to  
be filed  
Inspection

(2) A copy of such return shall be kept on file by the secretary of the school district and shall be open to inspection of the ratepayers of the district or their agents. No. 2 of 1896, s. 158.

Taxes special  
lien

**162.** The taxes accrued on any land or property or in respect of the ownership or occupancy of any land or property shall be a special lien upon such land or property having preference over any claim, lien, privilege or incumbrance of any party except the Crown and shall not require registration to preserve it and shall bear interest at the rate of six per centum per annum from the time of the return of the collector's roll to the secretary. No. 2 of 1896, s. 159.

Priority

Interest

Collection  
of arrears

**163.** Such accrued taxes shall be entered upon the collector's roll of the district against such property from year to year and shall be held to be payable, if not otherwise collected, at the same time and in the same manner as the ordinary taxes of the year. No. 2 of 1896, s. 160.

Distress  
for arrears

**164.** Whenever the treasurer or collector is satisfied or is notified by the board of trustees that there is sufficient distress upon any real property within the district which is in arrears for taxes he shall proceed to levy the amount due in the manner and under the same provisions as are contained in section 156 of this Ordinance. No. 2 of 1896, s. 161 ; No. 29 of 1898, s. 25.

#### SALE OF LAND FOR TAXES.

List of lands  
for tax sale

**165.** Whenever any portion of the taxes on any land has been due for two years from the first day of January in the year in which the same was imposed, whether imposed before or after the coming into force of this Ordinance, the treasurer shall submit to the chairman a list in duplicate of all the lands in his book on which taxes are so due with the amount of arrears against each lot set opposite to the same and the treasurer shall authenticate each such lists by affixing thereto the seal of the corporation and his signature and one of such lists shall be deposited with the secretary and the other shall be given to the treasurer with a warrant thereto annexed under the hand of the chairman and the seal of the board commanding him to levy upon the land for the arrears due thereon with costs and the said treasurer is hereby authorised to sell the same. No. 2 of 1896, s. 162 ; No. 29 of 1898, s. 26.

Warrant to  
treasurer  
to sell



**166.** The said treasurer shall not sell any lands which have Only listed lands to be sold not been included in the list furnished him as aforesaid. No. 2 of 1896, s. 163.

**167.** The treasurer shall prepare a copy of the list of lands Publication of list Contents to be sold as authorised by this Ordinance and shall include therein in a separate column a statement of the proportion of costs chargeable on each parcel for advertising and the sum of twenty-five cents for each parcel advertised for sale and shall cause the said list to be published at least once a week for four consecutive weeks in at least one newspaper published in the school district or, if there is no newspaper published therein, in the newspaper published nearest to the school district.

(2) The treasurer shall also cause to be published in *The North-West Territories Gazette* during two consecutive issues Subsequent notice of the same between the date of the first publication in the newspaper above mentioned and the date of sale a notice in the following form :

#### NOTICE.

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ at (give name of place in particular) there will be offered for sale by public auction in accordance with the terms and provisions of *The School Ordinance* of the North-West Territories providing for the sale of lands for arrears of school taxes, certain lands situated in township \_\_\_\_\_ range \_\_\_\_\_ west of the \_\_\_\_\_ meridian, being part of the lands forming (give name of school district) particulars regarding which lands may be found in the issues of (give name, dates and place of issue of newspaper).

A. B.,

Treasurer.

P.O. address :

No. 2 of 1896, s. 164.

**168.** The advertisement in a newspaper shall contain a Advertisement Date and place of sale notification that unless the arrears of taxes and costs are sooner paid the treasurer will proceed to sell the lands for taxes on the day and at the place mentioned in the advertisement. No. 2 of 1896, s. 166.

**169.** Every such notice shall specify the place, day and hour Hour of sale Description of lands at which the sale shall commence and each lot or parcel of land shall be designated therein by a reasonable description for registration purposes. No. 2 of 1896, s. 167.

**170.** All the lots or parcels liable for sale in the school district shall be included in the same statement and notice but All lots saleable to be included Omissions any neglect or omission to include any lands liable for sale in the said list shall not be held to invalidate the sale or to prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon. No. 2 of 1896, s. 168.

Day and place  
of sale

**171.** The day of sale shall be not less than ten days nor more than forty days after the last publication of the list and the sale shall take place at such place in the school district as the board shall by resolution appoint and in the absence of such appointment at such place in the school district as the treasurer in his said notice shall name. No. 2 of 1896, s. 169.

Treasurer's  
costs

**172.** The treasurer shall in each case add to the arrears of taxes his charges and the cost of publication. No. 2 of 1896, s. 170.

Adjournment

**173.** If at any time appointed for the sale of lands no bidders appear the treasurer may adjourn the sale from time to time :

Provided always that no such adjournment shall be for a period exceeding fifteen days. No. 2 of 1896, s. 171.

Proceedings  
at sale  
Upset price

**174.** At the place, day and hour appointed for the sale of lands (if the taxes thereon including costs and charges have not previously been paid) the treasurer shall offer the lands for sale by public auction and in so doing shall make and declare the amounts stated in the list as the taxes due with the charges and costs as the upset price on each respective lot or parcel as offered for sale and shall thus sell the same to the highest bidder or to such person as may be willing to take it at the upset price, there being no higher bidder, but subject to redemption as hereinafter provided for. No. 2 of 1896, s. 172.

Sale to board  
if no bidders

**175.** If no bidder appears for any land for the full amount of arrears of taxes, costs and charges the treasurer shall there and then sell the same to the school board at the upset price. No. 2 of 1896, s. 173.

Where land  
sold for more  
than amount  
of taxes

Payment of  
purchase  
money

Default by  
purchaser

**176.** If the land sells for a greater sum than the taxes due together with all charges thereon the purchaser shall only be required to pay at the time of sale the amount of said taxes and charges and the balance of the purchase money shall be payable within one calendar month after the time of redemption of said land shall have expired without the same having been redeemed within the time limited and if the said balance of purchase money shall not be so paid by the purchaser, his heirs or assigns, within the time above prescribed he and they shall forfeit all claim to the said land and to any transfer or conveyance thereof as well as the amount paid at the time of sale and such land shall thereupon cease to be affected by said sale. No. 2 of 1896, s. 174.

Purchaser  
failing to  
pay price

**177.** If the purchaser of any parcel of land fails immediately to pay the treasurer on account of said purchase the amount claimed for arrears of taxes and charges the treasurer shall forthwith again put up the property for sale. No. 2 of 1896, s. 175.

Treasurer

**178.** The treasurer after selling any land for taxes shall

give to the purchaser a certificate describing the land as advertised stating the amount of taxes and costs paid and the total amount of purchase money, and further saying that a transfer of the same to the purchaser or his assigns shall be executed by the treasurer on his or their demand within one month after the expiration of one year from the date of the certificate if the land be not previously redeemed, upon payment of the balance of the purchase money if any remains unpaid, and upon payment of \$2 for said transfer. No. 2 of 1896, s. 176.

**179.** The purchaser shall on receipt of the treasurer's certificate of sale become the owner of the land so far as to have all the necessary rights and powers for protecting the same from spoliation or waste until the expiration of the term during which the lands may be redeemed. No. 2 of 1896, s. 177. Rights of purchaser

**180.** A statement of the land so sold for arrears of taxes with the names of the respective purchasers, the date of sale, the time of redemption and the amount required to redeem shall within thirty days of the date of sale or adjourned sale be made out and signed by the treasurer in duplicate and one copy shall be kept by the treasurer and the other deposited with the secretary and either of the said lists may be inspected at any time during office hours for a fee of ten cents for each lot of which inspection is desired. No. 2 of 1896, s. 178. Statement of lands sold  
Inspection of

#### REDEMPTION OF LANDS SOLD.

**181.** The owner of any land which may hereafter be sold for taxes or his heirs, executors, administrators or assigns or any other person on his or their behalf, but in his name only, may at any time within one year from the date of sale exclusive of that date redeem the real estate sold by paying to the treasurer before the hour of three o'clock in the afternoon of the said last day for redemption, for the use and benefit of the purchaser or his legal representatives, the sum paid by him together with ten per centum thereon, and any further sum which shall have been levied against said land and paid by the purchaser before the date of redemption and the treasurer shall give the party paying such redemption money a receipt stating the sum paid and the object thereof and such receipt shall be evidence of the redemption. No. 2 of 1896, s. 179. Redemption of lands sold

**182.** For the purpose of this Ordinance the day of sale shall be the day on which the sale was advertised to take place without reference to any adjournment or adjournments and all certificates shall be dated as of that day. No. 2 of 1896, s. 180. Sale to be as on date advertised

**183.** From the time of payment to the treasurer of the full amount of redemption money required by this Ordinance all rights and interests of the purchaser shall cease. No. 2 of 1896, s. 181. On redemption purchaser's rights cease

Person not  
specially  
authorised  
redeeming

**184.** Whenever such redemption is effected by a person not specially authorised the treasurer shall mention in the receipt given by him for the redemption money the name and designation of the person paying the same, the name of the person on whose behalf the payment is made and every redemption receipt shall be made out in triplicate, one copy shall be given to the person paying the redemption money, one shall remain on file in the office of the treasurer and the third shall be transmitted to the secretary by the treasurer. No. 2 of 1896, s. 182.

On  
redemption,  
notice to  
purchaser

**185.** The treasurer shall also immediately after the redemption of any land give notice by registered letter to the party appearing by his books to be the purchaser of the same, apprising him of the fact of such redemption and the amount of money paid in for such purpose. No. 2 of 1896, s. 183.

#### TRANSFER IN CASE OF NONREDEMPTION.

Land not  
redeemed,  
Transfer

**186.** If the land be not redeemed within the period allowed by this Ordinance then, on demand of the purchaser, his heirs or assigns or other legal representatives at any time within one month after the expiration of the time limited for the redemption, upon payment of the balance of purchase money as aforesaid and of the further sum of \$2, the treasurer shall prepare and execute and deliver to him or them a transfer of the land sold; provided that any land sold to the school board under the provisions of this Ordinance as hereinbefore provided shall be transferred to the treasurer of the school board immediately on the expiration of the time allowed for redemption, without charge.

Proviso,  
Transfer  
to board

Form and  
effect of  
transfer

(2) Such transfer shall be in form L in the schedule to this Ordinance or to the same effect and shall state the date and cause of sale and the price and shall have the effect of vesting the land in the purchaser, his heirs, assigns and other legal representatives in fee simple or otherwise according to the nature of the estate sold and no such transfer shall be invalid by reason of any error or miscalculation in the amount of taxes in arrear. No. 2 of 1896, s. 184.

Transfer  
exonerates  
land from  
prior charges

**187.** Such transfer shall not only vest in the purchasers all rights of property which the original holder had therein but shall also purge and release such land from all payments, charges, liens, mortgages and incumbrances of whatever nature and kind other than existing liens of the school district or Crown and whenever lands are sold for arrears of taxes and the treasurer shall have given a transfer thereof such transfer shall, notwithstanding any informality or defect in or preceding such sale, be valid and binding to all intents and purposes except as against the Crown:

Proviso  
Period at  
which deed  
is conclusive

Provided that at the expiry of one year from the passing of Ordinance No. 2 of 1896 all transfers then already issued and of one year from the date of transfers issued since the passing of such Ordinance or under this Ordinance every such transfer shall be conclusive evidence of the assessment and valid charge

of the taxes on the land therein described also that all the steps and formalities necessary for a valid sale had been taken and observed as provided by the Ordinance in that behalf and thereafter such sale and transfer shall only be questioned or Exception set aside on the following grounds and no other :

1. That the sale was not conducted in a fair, open and proper manner ;
2. That there were no school taxes whatever in arrear for which the said land could be sold ;
3. That the said land was not liable to be assessed for school taxes. No. 2 of 1896, s. 185.

**188.** When the title of any land sold for arrears of taxes is When title in Crown vested in the Crown the transfer thereof in whatever form given shall be held to convey only such interest as the Crown may have given or parted with or may be willing to recognise or admit that any person possesses under any colour of right whatever and the board of school trustees in case of any sale for taxes being declared invalid shall be liable only for the purchase money actually paid therefor to the treasurer and legal interest thereon as for damages or otherwise. No. 2 of 1896, s. 165.

#### TAX SALES FUND.

**189.** The treasurer shall keep a separate account of all sums Tax sales fund paid to him as balances of purchase money on lands sold for arrears of taxes and not redeemed and shall enter in the book the amount received from the purchaser of any lot sold by him over the taxes and charges against said lot with date of sale and of receipt of balance and the aggregate amounts so received shall form a fund to be called the tax sales fund and the treasurer shall in the month of January in each year and on request at any other time furnish a statement to the board giving the particulars respecting such funds and whenever any Lapse to board of unclaimed balances portion of such fund shall have remained in the hands of the treasurer for six years from the day of sale of the land of the purchase money of which it forms a part without any notice of claim or order for payment having been served on him as hereinafter provided said portion or sum so remaining unclaimed shall have been forfeited and thereafter be the absolute property of the school board and the said school board shall forever be discharged from any claim on account thereof. No. 2 of 1896, s. 186.

**190.** Any person claiming to have been the owner, heir, Claims on tax sales fund assignee or legal representative of the owner or otherwise interested in any parcel of land sold for taxes and transferred as aforesaid which shall have realised more than the amount due for taxes and charges shall be entitled to claim and receive the said overplus or sum held to the credit of the said parcel of land in the tax sales fund or any portion thereof specified in the order hereinafter mentioned, (provided that a written notice is served upon the treasurer previous to the time limited for Procedure in proof of claim forfeiture) upon producing and leaving with the treasurer

**Judge's order for payment** within six months from the date of service of such notice of claim an order signed by a judge of the Supreme Court of the North-West Territories reciting that it had been proved to the satisfaction of the said judge that the claimant was at the time of sale the lawful owner of the land in respect to which claim is made or was or is the heir, executor, assignee or legal representative of the said owner or otherwise interested in the said land and requiring the school board to pay the said surplus money or the portion thereof specified in the order to the said claimant and such or any judge's order for payment of any part of the said tax sales fund shall be kept by the treasurer and shall be the warrant and authority for making such payment. No. 2 of 1896, s. 187.

**Petition to Judge** **191.** In seeking to obtain a judge's order any claimant upon the said fund shall in person or by advocate petition the judge in writing for that purpose describing the land sold and setting forth the particulars of the said sale and the title under which the said money is claimed and shall at the same time furnish such evidence of title as may be necessary for proving his title or interest to the satisfaction of the judge and the facts set forth in the petition shall be verified by affidavit so far as may be necessary to satisfy the judge of the *bona fide* nature of the claim and the said judge may in his discretion require the claimant to serve a notice of his application upon the school board or publish the same in any manner he may deem proper or substantiate his claim in any other manner and the judge may in his discretion order said money to be paid over to the clerk of the Supreme Court there to be dealt with in such manner as the court shall order and in such case a copy of his order stating the reason therefor shall be filed in the said court and served upon the treasurer. No. 2 of 1896, s. 188.

**Evidence**

**Payment into court**

**Fees** **192.** The same fees shall be paid upon any application made under the last preceding section as are payable in respect of other applications in chambers for a judge's order in any suit or procedure. No. 2 of 1896, s. 189.

**Costs of school board** **193.** In any case where the judge deems it advisable to order notice to be served upon the school board he shall in the final decision of the question, if the claimant is successful, order the costs of the school board to be paid out of the fund in question, and in case the claimant fails, shall order execution to issue against him from the said court, after taxation, for the costs of the school board. No. 2 of 1896, s. 190.

**Claim to balance admits validity of sale** **194.** The fact of claiming any surplus held to the credit of any lots sold for taxes in the said tax sales fund shall be considered an admission of the validity of the sale of the lot in question by the claimant and the said claimant and all claiming by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to question or set aside such sale notwithstanding that the said claim shall have been made within the time otherwise limited

for taking any proceedings to invalidate any tax sale and the said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through and under him as aforesaid. No. 2 of 1896, s. 191.

**195.** Within ten days after the commencement of any suit or proceeding to set aside or question a sale for arrears of taxes the plaintiff shall cause the treasurer to be notified in writing of the fact of the action or proceeding having been commenced and the treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute but shall hold the same subject to the order of the court and in case the plaintiff succeeds the court shall order the said surplus to be repaid to the defendant, the tax sale purchaser or his proper representatives, and in case the plaintiff fails in such action or proceeding to set aside such sale but proves to the satisfaction of the court that he was at the time of sale the lawful owner of the said land and the person entitled to the said surplus money according to the true intent and meaning of this Ordinance then in such case the court shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by the said plaintiff of such costs of the defendant as he may have been ordered by the court to pay. No. 2 of 1896, s. 192.

If tax sale questioned surplus subject to order of court  
Disposition by court

#### ILLEGAL SALES. LIABILITY OF BOARD.

**196.** In no case shall the school board be liable for damages or costs in any suit brought to set aside a tax sale or be liable for any damages or costs arising therefrom in any way further than, in case of sale held void by a competent court, refunding to the purchaser the amount of money actually received with legal interest. No. 2 of 1896, s. 193.

School board's liability limited

#### INCURRING DEBT BY DEBENTURE.

**197.** Should it appear desirable to the board of trustees of any school district that a sum of money should be borrowed upon security of the district for the purchase of a school site or for the erection, purchase or improvement of a school building or buildings or for furnishing the same or for the purchase of suitable play grounds for the children attending the school or schools of the district they shall pass a bylaw to that effect in form M in the schedule hereto or to the like effect and before proceeding to borrow such sum of money shall receive the sanction of a majority of the votes of the ratepayers of the school district voting thereon as hereinafter provided. No. 2 of 1896, s. 194.

Bylaw to raise money by loan  
Ratepayers' vote

**198.** The board of trustees shall give notice in form N in the schedule hereto or to the like effect, of the polling, by notices displayed in at least ten conspicuous places throughout the district at least twenty days before the polling. No. 2 of 1896, s. 195.

Notice of polling

Copy notice for  
department

**199.** A certified copy of the notice of polling shall be forwarded forthwith to the department of public instruction by the secretary of the board of trustees. No. 2 of 1896, s. 196; No. 5 of 1897, s. 13.

Returning  
officer

**200.** The chairman of the board of trustees or some one appointed by them shall be returning officer and shall act as hereinafter provided. No. 2 of 1896, s. 197.

Returning  
officer's duties

**201.** The returning officer shall—

Poll book

1. Provide himself with a book suitably ruled and headed for the purpose of recording the vote cast, in which shall appear in separate columns but in one line the name and sex of each voter, the description of the property voted upon, remarks whether the voter was sworn or refused to be sworn and the vote cast whether yea or nay to the purpose specified in the notice of voting;

Post notice

2. Keep posted in a conspicuous place at the place of polling a copy of the notice of voting;

Hold poll

3. Appear at the place, on the day and at the hour mentioned in the notice of voting and continue there during the hours mentioned in such notice;

Record voter's  
name and  
property

4. Question either personally or by interpreter in the voter's own language, if necessary, every person presenting himself or herself to vote, as to the name and location or description of property, and record the answers given in the poll book;

Oath of voter

5. If required by any person present or of his own accord, if deemed advisable, administer the following oath which shall express the qualification of voters :

I, *A.B.*, do solemnly swear (or affirm) that I am a *bona fide* ratepayer of (*give name of district in full*); that I have paid all taxes due by me to this school district; that I am of the full age of twenty-one years; that I am not an unenfranchised Indian; that I have not before voted at this election; and that I have not received any reward for voting at this time and place. So help me God;

[*Note.—In case of an affirmation the words "So help me God" shall be omitted.*]

Record vote

6. If the voter is not required to be sworn or if he takes the oath when required, ask him in an audible voice in the language spoken by him (either personally or through an interpreter) whether he votes for or against the purpose expressed in the notices of voting, and record his answer in the column headed "yea" or "nay" according to the expressed wish of such voter;

Scrutineers

7. Admit any two persons who have respectively voted yea or nay into the polling place to act as scrutineers and on demand allow either or both of them to see any vote recorded in the book;

Declare result

8. At the hour appointed in the notice of voting, sum up the votes cast and declare the result;



9. In the case of a tie after the final recount give a casting Tie vote ;

10. Announce the day, being within seven days of the day of Final recount voting, when and the place where he shall appear before a justice of the peace for a final recount of votes and when all complaints against the conduct or result of the voting shall be heard. No. 2 of 1896, s. 198 ; No. 29 of 1898, s. 28.

**202.** On appearing before a justice of the peace at the time and place appointed, the returning officer shall place in the hands of such justice of the peace the poll book used by him at the poll and shall make an affidavit before the justice of the peace, which shall be inscribed upon such book, that the election has been conducted throughout in the manner provided by this Ordinance (or with such exceptions as he shall mention) and that the returns contained therein are correct ;

(2) The justice of the peace shall then receive and record in writing any complaint that may be made under oath by any parties relative to the conduct of the voting and shall examine into and decide such complaints by taking evidence under oath. No. 2 of 1896, s. 199.

**203.** Before proceeding to the hearing of any complaint the justice of the peace shall require the complainant to deposit with him such sum not being less than \$25 nor more than \$100, as may seem necessary to him, to cover the costs of the hearing of the complaint which costs shall be paid according to the decision of such justice of the peace. No. 2 of 1896, s. 200.

**204.** The decisions of the justice of the peace shall be as follows :

1. If it be found that the proceedings in taking the vote have been irregular in any essential particulars and that justice has thereby been done it shall be declared of no effect and the justice shall forthwith forward to the department of public instruction a full report to that effect ;

2. If it be found that any vote has been cast by any person not duly qualified to vote or on account of bribery or intimidation it shall be struck off the poll book. No. 2 of 1896, s. 201 ; No. 5 of 1897, s. 13.

**205.** When all complaints have been heard and decided upon and the corresponding alterations duly made in the poll book, the justice of the peace shall finally sum up the votes cast and shall forward to the department of public instruction a return in form O in the schedule hereto or the like effect showing the total number of votes taken and the number remaining on each side after the recount. No. 2 of 1896, s. 202 ; No. 5 of 1897, s. 13.

**206.** If it is desired to appeal from the decision of the justice of the peace such appeal may be made to a judge of the Supreme Court sitting without a jury and the provisions of

section 879 of *The Criminal Code 1892* and all the provisions of the said code relating to the appeal mentioned in such section of the code shall, in so far as they are applicable, apply to the appeal hereby provided and the judge on hearing such appeal may make any order that the justice of the peace might have made. No. 29 of 1898, s. 29.

Assent of  
Lieutenant  
Governor in  
Council

**207.** Upon receipt of the return mentioned in section 205 hereof and upon being satisfied that the several conditions required by this Ordinance have been complied with, the Lieutenant Governor in Council shall in writing empower the trustees to borrow the sum or sums of money mentioned in the bylaw and shall publish the same in the official gazette of the Territories; and the assent of the Lieutenant Governor in Council published as aforesaid, to any such loan, shall be conclusive evidence that all the necessary formalities have been complied with and that such loan is one which such school district may lawfully make. No. 2 of 1896, s. 204.

Borrowing  
to be by  
debenture

**208.** All money borrowed under this Ordinance shall be borrowed by debenture except as hereinbefore provided.

Debentures  
limited  
Value

(2) The total face value of the debentures issued shall not be for a greater sum than one-tenth of the total assessed value of the real property within the district according to the last finally revised assessment roll of the district.

Term

(3) Debentures shall not run for a longer term than twenty years if the school buildings are of brick, concrete or stone and shall not run for a longer period than ten years if the buildings be frame or log.

Form

(4) Debentures shall be in the form following or to the like effect:

\$ Debenture No.  
(Give full corporate name of school district)  
The Trustees of (give full corporate name) promise to pay the bearer at the \_\_\_\_\_ at \_\_\_\_\_ the sum of \_\_\_\_\_ dollars of lawful money of Canada in \_\_\_\_\_ equal instalments from the date hereof with interest at the rate of \_\_\_\_\_ per cent. per annum on the terms and in the amounts specified in the coupons attached hereto.

(Signature) \_\_\_\_\_ A.B.,  
Chairman or Acting Chairman.  
C.D.,  
Trustee.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1 \_\_\_\_\_.

#### COUPONS.

Coupon No.  
Debenture No.

The board of school trustees of \_\_\_\_\_ will  
pay to the bearer at the bank at \_\_\_\_\_ on  
the \_\_\_\_\_ day of \_\_\_\_\_ 1 \_\_\_\_\_, the  
736

sum of                                  dollars being the                                  payment  
with the total interest at the rate of                                  per cent.  
per annum due on that day on school debenture No.

(Signature)

A.B.,

Chairman or Acting Chairman.

C.D.,

Trustee.

(5) Debentures shall not carry interest at a greater rate than Interest  
eight per centum per annum. No. 2 of 1896, s. 205.

**209.** The trustees of any school district having received <sup>Issue of</sup> notice from the Lieutenant Governor in Council authorising <sup>debentures</sup> them to contract a loan as hereinbefore provided shall issue debentures therefor in the form set forth in subsection (4) of the next preceding section to secure the amount of the principal and interest of such loan upon the terms specified in the bylaw before mentioned and the said debentures and the <sup>Effect</sup> coupons thereof shall be sufficient when signed by two of the trustees of the school district to bind such school district and to create a charge or lien against all school property or rates in the school district for which such loan is made. No. 2 of 1896, s. 206.

**210.** All debentures shall on redemption be marked "can- <sup>Cancellation</sup> celled" and signed by the secretary of the board of trustees <sup>on redemption</sup> across the face thereof. No. 2 of 1896, s. 207.

**211.** All debentures before being issued shall be sent for <sup>Registration</sup> registration to the department of public instruction and such <sup>of debentures</sup> department shall keep a book in which shall appear : <sup>by department</sup>

1. The name and number of each school district issuing debentures ;

2. The amount of debenture indebtedness incurred by such district from time to time ;

3. The purposes for which the indebtedness was incurred with particulars of the amount for each specific purpose ;

4. The date of redemption of each debenture. No. 2 of 1896, s. 208 ; No. 5 of 1897, s. 13.

#### EXECUTIONS AGAINST SCHOOL DISTRICTS.

**212.** Any writ of execution against any school district may <sup>Execution,</sup> be indorsed with a direction to the sheriff to levy the amount <sup>Direction</sup> thereof by rate ; and the proceedings thereon shall be the <sup>to sheriff</sup> following :

1. The sheriff shall deliver a copy of the writ and indorse- <sup>Copy writ and</sup> ment to the treasurer or leave such copy at the office or <sup>statement for</sup> dwelling house of such officer with a statement in writing of the sheriff's fees and of the amount required to satisfy such execution including such amount of interest calculated to some day as near as is convenient to the day of service ; <sup>treasurer</sup>

Nonpayment  
one month,  
sheriff to  
strike  
execution rate

2. In case the amount with interest thereon from the day mentioned in the statement be not paid to the sheriff within one month after the service the sheriff shall examine the assessment roll of such school district and shall in like manner as rates are struck for general school purposes strike a rate on the dollar on the assessable property in the said school district sufficient to cover the amount due on the execution with such addition to the same as the sheriff deems sufficient to cover the interest and his own fees up to the time when such rate will probably be available ;

Sheriff's  
precept to  
treasurer

3. He shall thereupon issue a precept or precepts under his hand and seal of office directed to the said treasurer and shall by such precept, after reciting the writ and that the said trustees had neglected to satisfy the same, command the said treasurer to levy or cause to be levied such rate at the time and in the manner by law required in respect to the general school rates ;

Column in  
tax roll

4. At the time for levying the annual rates next after the receipt of such precept the treasurer shall add a column to the tax roll in the said school district headed " Execution rate of A. B. v. School District of No. " (or, as the case

Levy of rate

may be, adding a column for each execution if more than one) and shall insert therein the amount by such precept required to be levied upon each person respectively and shall levy the amount of such execution rate as aforesaid ; and such treasurer so soon as the amount of such execution or executions is collected shall return to the sheriff the precept with the amount levied thereon ;

Return of  
precept

Surplus

5. The sheriff shall after satisfying the executions and all fees thereon return any surplus within ten days after receiving the same to the said treasurer for the general purposes of the said district ;

Treasurer  
officer of court

6. The treasurer shall for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Ordinance with respect to such executions be deemed to be an officer of the court out of which the writ issued and as such shall be amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel him to perform the duties hereby imposed upon him. No. 2 of 1896, s. 209.

"Treasurer"

**213.** In the foregoing section the word "treasurer" shall mean :

1. In the case of a school district lying wholly or in part without the limits of any municipality, the treasurer of the school district ;

2. In the case of a school district lying wholly within the limits of the municipality, the secretary-treasurer of the municipality. No. 2 of 1896, s. 210.

Absence of  
treasurer or  
refusal to act

**214.** In case of the absence of the treasurer and the refusal or neglect of the trustees to appoint some other person in his

place or in case of the refusal or neglect of the treasurer to comply with any of the provisions of section 212 hereof the sheriff (upon application to a judge of the Supreme Court) may <sup>Sheriff's powers</sup> be invested with full power and authority to assess, levy, collect and enforce payment of (in the same manner as assessors, collectors and treasurers are authorised to do by this Ordinance) such sum or sums of money as may be required to pay and satisfy the execution or executions and all fees and legal expenses including such allowance for the costs, levy, collection and enforcement of payment as the judge may allow :

Provided that any person may within one month from the date of the notice by the sheriff of assessment by him apply to the sheriff to revise such assessment in any respect as to which such person might have appealed to a court of revision and if the sheriff refuses such application appeal may be had to a judge of the Supreme Court on application to him within eight days after the sheriff's decision, of which application notice in writing shall be given to the sheriff and on such application the judge may proceed as in the case of an appeal from a court of revision. No. 5 of 1897, s. 39 ; No. 29 of 1898, s. 30.

#### MISCELLANEOUS.

**215.** Upon a petition signed by at least four-fifths of such resident ratepayers of any school district as are the parents or guardians of children between the ages of five years and sixteen years inclusive (the facts set forth in such petition and the signatures thereto being verified by statutory declaration) the Lieutenant Governor in Council may empower the trustees of such district to enter into an agreement for the education of the children of such district for a term of not less than three years with the trustees of any other school district upon such terms as may be mutually agreed upon : <sup>Agreement by trustees for education of children of another district</sup>

Provided that in all cases where such an agreement is in force grants shall be paid in respect of children attending the school maintained in another school district than the one in which they reside as though the parents or guardians of such children were resident ratepayers of the school district in which their children are being taught : <sup>Grants in such cases</sup>

Provided further that the school districts acting under such an agreement shall have full power and authority to make the necessary levy and assessment for the purpose of carrying out the terms of the agreement and for providing for the conveyance of the children to and from school subject to the provisions of sections 150 and 151 of this Ordinance : <sup>Taxes</sup> <sup>Conveyance of children</sup>

Provided that the Lieutenant Governor in Council may terminate any such agreement upon such terms as to him may seem fit. No. 5 of 1897, s. 40. <sup>Termination of agreement</sup>

**216.** The school fiscal year shall commence on the first day of January in each year and all accounts opened during the preceding fiscal year shall if possible be closed on the thirty-first day of December preceding. No. 2 of 1896, s. 212. <sup>Fiscal year</sup>

**217.** All school districts heretofore established and now ex- Existing

districts  
continued

isting are hereby continued under and subject to the provisions of this Ordinance. No. 2 of 1896, s. 213; No. 29 of 1898, s. 31.

Forms

**218.** The Council of Public Instruction shall prescribe such forms as may be required for the carrying out of this Ordinance. No. 2 of 1896, s. 214.

Public notices

**219.** Public notices put up in accordance with this Ordinance may be either printed or written or both and unless otherwise provided the trustees shall post up within the district at least five such notices not less than eight days prior to the holding of all public meetings. No. 2 of 1896, s. 215.

Declarations  
and affidavits

**220.** All declarations and affidavits provided by this Ordinance may be made either before a justice of the peace, a notary public or a commissioner appointed for taking affidavits. No. 2 of 1896, s. 216.

Calling of  
meetings

**221.** All school meetings after the first shall be called by the respective boards of trustees except as otherwise provided by this Ordinance. No. 2 of 1896, s. 217.

Adaptation  
of forms

**222.** In cases where it is provided in this Ordinance that forms in the schedule hereto are to be used such forms shall be followed as nearly as may be or as the circumstances will admit. No. 2 of 1896, s. 218.

"High school"

**223.** The title "high school" may be used to designate that department of any school which has a daily average attendance of thirty pupils in high school standards and in which departments not less than two teachers are employed. No. 2 of 1896, s. 219; No. 29 of 1898, s. 33.

#### TEACHERS' INSTITUTES.

Teachers'  
institutes

**224.** Any number of teachers may organize themselves into a teachers' institute for the purpose of receiving instruction in the methods of teaching and for discussing educational matters, subject to the regulations of the Council of Public Instruction. No. 2 of 1896, s. 220.

#### COMPULSORY EDUCATION.

Certain  
schools to be  
open all year

**225.** In every school district where there are at least fifteen children between the ages of seven and fourteen resident within a radius of one mile and a half from the school house it shall be compulsory for the trustees of such district to keep the school open the whole year. No. 2 of 1896, s. 221.

Certain  
schools to be  
open six  
months yearly

**226.** In every school district where there are at least ten children between the ages of seven years and fourteen years it shall be compulsory for the trustees of such school district to have their school in operation at least six months in every year. No. 2 of 1896, s. 222.

**227.** Every parent, guardian or other person resident in a school district having charge of any child or children between the ages of seven years and twelve years inclusive shall be required to send such child or children to school for a period of at least sixteen weeks in each year at least eight weeks of which time shall be consecutive; and every parent, guardian or other person who does not provide that every such child under his or her care shall attend school or be otherwise educated shall be subject to the penalties hereinafter provided. No. 2 of 1896, s. 223; No. 29 of 1898, s. 34.

**228.** It shall be the duty of the trustees of every school district or any person authorised by them after being notified that any parent, guardian or other person having control of any child or children neglects or violates the provisions of the next preceding section to make complaint of such neglect or violation to a justice of the peace and the person complained against shall on summary conviction be liable to a fine not exceeding \$1 for the first offence and double that penalty for each subsequent offence. No. 2 of 1896, s. 224.

**229.** It shall be the duty of the justice of the peace to ascertain as far as may be the circumstances of any party complained of for not sending his or her child or children to school or otherwise educating him or them and he shall accept any of the following as a reasonable excuse:

1. That the child is under instruction in some other satisfactory manner;
2. That the child has been prevented from attending school by sickness or any unavoidable cause;
3. That there is no school open which the child can attend within such distance not exceeding two and one-half miles measured according to the nearest passable road from the residence of such child;
4. That such child has reached a standard of education of the same or of a greater degree than that to be attained in the school of the school district within which such child resides;
5. That such parent or guardian was not able by reason of poverty to clothe such child properly or that such child's bodily or mental condition has been such as to prevent his or her attendance at school or application to study for the period required. No. 2 of 1896, s. 225.

#### TRUANCY.

**230.** The trustees of each school may appoint a truant officer who shall for the purposes of this Ordinance be vested with police powers and the trustees shall have authority to make regulations for the direction of such officer in the enforcement of the provisions of this Ordinance as they may deem expedient, provided such regulations are not inconsistent with any of the provisions of this Ordinance and have been ap-

proved by the chairman of the Council of Public Instruction. No. 2 of 1896, s. 226 ; No. 5 of 1897, s. 13 (2).

Truant officer,  
in case of  
nonattendance  
to lay  
complaint

**231.** If the parent, guardian or other person having the legal charge of any child shall neglect or refuse to cause such child to attend some school within five days after being notified as herein required (unless excused from such attendance as provided in this Ordinance) the truant officer shall make or cause to be made a complaint against such person before any justice of the peace having jurisdiction in the school district in which the offence occurred and such person shall be liable on summary conviction to a fine not exceeding \$1, and costs for the first offence and double that penalty for each subsequent offence. No. 2 of 1896, s. 227.

Proviso as  
to truancy

**232.** Provided that in other than town school districts the provisions of the foregoing clauses relating to truancy shall not apply to children who may reside more than one mile from the school house. No. 2 of 1896, s. 228.

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## SCHEDULE.

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### FORM A.

(Section 14.)

To the Department of Public Instruction :

Gentlemen,—The humble petition of the undersigned resident ratepayers of the area hereinafter described sheweth :

1. That the undersigned are resident ratepayers within the limits hereinafter mentioned proposed to be formed into a school district and are qualified ratepayers within the meaning of *The School Ordinance* and have formed themselves into a committee for the purpose of procuring its erection ;

2. That the proposed name of said district is

3. That the following are the limits and definite location of said proposed district namely : sections

4. That the approximate area of said proposed district is about                      acres ;

5. That the total population of the said proposed district is                      ; the number of adults is                      ; and the children between the ages of five years and sixteen years inclusive resident in the proposed district is                      ;

6. That the total number of the ratepayers in the district is                      ; the number of Protestants is                      ; Roman Catholics                      ;



7. That the map or plan hereto annexed shows the boundaries, principal legal subdivisions, principal physical features and general location of the proposed district;

Therefore your petitioners pray that the proposed district hereinbefore particularly mentioned and described may be erected into a school district as provided by the said Ordinance.

Dated at  
this                      day of

A.B.  
C.D.  
E.F.

DECLARATION.

(Section 15.)

Canada,                      } I                      of  
North-West Territories. } section                      , township                      ,  
To wit:                      } range                      , west of the  
    meridian in the North-West

Territories do solemnly declare :

- 1. That I am a member of the committee mentioned in the petition hereto annexed ;
- 2. That the members of said committee are *bona fide* resident ratepayers of the proposed school district mentioned in the said petition ;
- 3. That the statements made in the said petition are correct;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at                      }  
    in the                      day }  
    this                      1                      . }

FORM B.

(Section 16.)

NOTICE.

All parties are hereby notified that the undersigned committee have petitioned the Department of Public Instruction for the erection of (*give name in full*) School District within the following limits, that is to say : (*define limits*) ; and the Department of Public Instruction having approved of the said limits, we hereby call a meeting of the resident ratepayers within these limits to be held on the                      day of                      at                      from one o'clock p.m. till four o'clock p.m. (standard time) to decide whether such school district shall be

erected or not and to elect three school trustees. Nominations for school trustees may be made up to two o'clock p.m. at which hour a poll to decide the questions of the erection of the school district and the election of trustees shall be opened.

The qualification of voters is expressed in the following oath or affirmation which persons desiring to vote must take if required :

" You do solemnly swear (*or affirm*) that your name is (*mention name given by proposed voter*) ; that you are a *bona fide* resident ratepayer within the limits of the proposed school district ; that you are of the full age of twenty-one years ; that you are not an unenfranchised Indian ; that you have not received any corrupt reward and have no hope or expectation of receiving any such reward for voting at this time and place."

Of which all persons interested are hereby required to take notice and govern themselves accordingly.

|       |                     |
|-------|---------------------|
| A. B. | } School committee. |
| C. D. |                     |
| E. F. |                     |

### FORM C.

(Section 16.)

Canada :  
 North-West Territories, } I , of  
   } section , township ,  
 To wit :                            } range , west of the  
 meridian, in the North-West Territories do solemnly declare :

1. That during the month of , 1 , I duly posted up in conspicuous and widely separated places within the area mentioned and described in the notice hereunto annexed copies of said annexed notice :

2. That the said copies of the said notice were posted up by me at the following places within the said area that is to say :

|                       |                       |            |         |
|-----------------------|-----------------------|------------|---------|
| No. 1 at              | $\frac{1}{4}$ section | , township | , range |
| No. 2 at              | $\frac{1}{4}$ section | , township | , range |
| No. 3 at              | $\frac{1}{4}$ section | , township | , range |
| No. 4 at              | $\frac{1}{4}$ section | , township | , range |
| No. 5 at              | $\frac{1}{4}$ section | , township | , range |
| all of the meridian ; |                       |            |         |

3. That the copy of the notice number herein was posted up at the post office at being the post office in (*or nearest to as the case may be*) the proposed school district ;

4. That the last of the said copies of the said annexed notice was posted by me in the manner aforesaid on the day of , 1 ;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and

effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at

in the

of this

A.D. 1

.

day

}

### FORM D.

(Section 37).

To The Department of Public Instruction,  
Regina.

Gentlemen,—

The humble petition of the undersigned resident ratepayers of the area hereinafter described, sheweth :

1. That the undersigned are Protestant (*or* Roman Catholic *as the case may be*) resident ratepayers within the limits of (*here give corporate name*) Public School District, the minority of the ratepayers in said school district being Protestant (*or* Roman Catholics *as the case may be*) and desire to establish a Protestant (*or* Roman Catholic *as the case may be*) separate school district therein in accordance with the provisions of section 36 of *The School Ordinance*;

2. That the proposed name of the separate school district is as follows : “ Protestant (*or* Roman Catholic *as the case may be*) Separate School District No. of the North-West Territories ; ”

3. That the limits and definite location of the said district are as follows :

4. That the approximate area of the said district is about  
acres ;

5. That the total number of ratepayers and of children between the ages of five years and sixteen years inclusive, of the religious faith of the petitioners, residing within the limits aforesaid is as follows : ratepayers, ; children ;

6. The total assessed value of the real and personal property belonging to the ratepayers of the religious faith of the petitioners within the said public school district and liable for assessment in respect of such separate school district is \$

7. That the undersigned are a committee to arrange for the establishment of such separate school district.

Therefore your petitioners pray that a Protestant (*or* Roman Catholic *as the case may be*) separate school district may be established within the limits of the said public school district as provided in said Ordinance.

Dated at

this

day of

A.D.

*AB.*

*C.D.*

*E.F.*

## DECLARATION.

Canada : } I, \_\_\_\_\_ of  
 North-West Territories } section \_\_\_\_\_ township \_\_\_\_\_  
 To wit : } range \_\_\_\_\_ in the North-West  
 Territories do solemnly declare :

1. That I am a member of the committee mentioned in the petition hereto annexed ;

2. That I am a *bona fide* resident ratepayer of the proposed separate school district mentioned in the said petition ;

3. That the statements contained in the said petition are correct ;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at \_\_\_\_\_  
 in the \_\_\_\_\_ day }  
 of this \_\_\_\_\_ day }  
 A.D. 1 \_\_\_\_\_

## FORM E.

(Section 39.)

## NOTICE.

All parties are hereby notified that the undersigned committee have petitioned the Department of Public Instruction for the erection of a Protestant (*or Roman Catholic as the case may be*) separate school district within the limits of (*give name in full*) public school district and the Department of Public Instruction having approved of the said petition, we hereby call a meeting of the Protestant (*or Roman Catholic as the case may be*) school ratepayers who will be supporters of such separate school district if erected, to be held on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ (*within the limits of the public school district*) at one o'clock p.m. to decide whether the school district shall be erected or not and to elect three school trustees. Nominations for school trustees may be made up to two o'clock p.m., at which hour a poll to decide the questions of the erection of the proposed separate school district and the election of trustees shall be opened.

The qualification of voters is expressed in the following oath or affirmation which persons desiring to vote must take if required :

"You do solemnly swear (*or affirm*) that your name is \_\_\_\_\_ ; that you are a *bona fide* resident ratepayer within the limits of (*give name of public school district*) ; that you are of

the full age of twenty-one years; that you are not an unenfranchised Indian; that you are a Protestant (*or Roman Catholic as the case may be*); that you have not received any corrupt reward and have no hope or expectation of receiving any such reward for voting at this time or place."

Of which all persons interested are hereby required to take notice and govern themselves accordingly.

A. B. }  
C. D. } Committee.  
E. F. }

## FORM F.

(*Section 72.*)

### FORM OF AGREEMENT BETWEEN TRUSTEES AND TEACHER.

We, the undersigned, trustees of (*here insert name of school district or separate school district in full*) have chosen

who holds a                      class certificate of qualification, to be a teacher in the said district; and we do hereby contract with and employ such teacher at the rate of

per annum (*or as the case may be*) from and after the date hereof and we do further bind and oblige ourselves and our successors in office faithfully to collect and pay the said teacher during the continuance of this agreement the sum or sums for which we hereby become bound.

And the said teacher hereby contracts with the said trustees and their successors in office and binds himself to teach in and conduct the school or schools of the said district (*or separate school as the case may be*) according to the provisions of *The School Ordinance* and the regulations of the Council of Public Instruction in force under its authority.

This agreement shall continue in force from the date hereof unless the certificate of the said teacher should in the meantime be revoked, and shall not include any teaching on Saturdays or on other lawful holidays or vacations decided on, *e.g.*,

all  
such holidays and vacations being at the absolute disposal of the teacher without any deduction from his salary whatever.

|         |   |         |           |         |
|---------|---|---------|-----------|---------|
| Witness | } | A. B. } | Corporate |         |
|         | } | C. D. } | Trustees. | seal.   |
|         | } | E. F. } |           |         |
|         | } | G. H.   | Teacher,  | [L. s.] |

Dated this                      day of                      A.D. 1                      .



FORM I.

(Section 91.)

TREASURER'S RETURN FOR TERM ENDING

1

I, \_\_\_\_\_ treasurer of \_\_\_\_\_ School District No. \_\_\_\_\_ of the North-West Territories do solemnly declare as follows :

|  |   |   |  |
|--|---|---|--|
| 1. That the name of the teacher in the department of the above school district is. ....  |   |   |  |
| 2. That the class of certificate granted by the Council of Public Instruction, N.W.T., he holds is....   |   |   |  |
| 3. That the salary paid to h _____ per _____ is.....   |   |   |  |
| 4. That the amount of salary earned by h _____ during the term was.....  |   |   |  |
| 5. That the amount of salary due h _____ at the end of the term was.....   |   |   |  |
| 6. That the names of previous teachers (if any) in the said department to whom salary is still due and the amounts so due, are.....  |   |   |  |
| 7. That I have examined the school register and find :   |   |   |  |
| (a) That the department was opened for the current year on.....  |   |   |  |
| (b) That the department was opened for the term on.....  |   |   |  |
| (c) That the department was closed during the term from..... until.....  |   |   |  |
| (d) That the number of legally authorised teaching days the school was thus closed was.....  |   |   |  |
| (e) That the reason for so closing the school was. ....<br>(Medical certificate if any attached hereto.)   |   |   |  |
| (f) That the department was closed for the term on.....  |   |   |  |
| (g) That the number of legally authorised teaching days during the term on which the department was open was.....  |   |   |  |
| (h) That the annexed abstract from the school register as prepared by the teacher of this department and showing the number of pupils with their names, ages, sexes and school standing, the pupils who have removed from the district or have died during the year, the pupils who have been absent all term with the reason therefor, the pupils who have been in attendance during the term with their aggregate and average attendances is correct in every essential and particular to the best of my knowledge and belief. |   |   |  |
|  | † | § |  |

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at \_\_\_\_\_ day } C.D.  
this } Treasurer.  
of 1 } P.O. address:

† In the above column ordinary information only is tabulated.  
§ Only financial statistics are tabulated above.





RECAPITULATION.

|  | Boys. | Girls. | Total. |
|--|-------|--------|--------|
| Pupils on register at beginning of term.....   |       |        |        |
| New pupils added during term.....  |       |        |        |
| Total pupils on register .....   |       |        |        |
| Pupils in attendance during term.....  |       |        |        |
| Pupils temporarily absent throughout whole term.....                                     |       |        |        |
| Pupils who have left school district, been promoted or<br>have died during the year..... |       |        |        |
| Total pupils on register.....  |       |        |        |
| Aggregate daily attendances of department.....   |       |        |        |
| Daily average attendance. (School open.....days)...                                      |       |        |        |

DECLARATION OF TEACHER.

I, \_\_\_\_\_, holding a valid \_\_\_\_\_ class certificate from the Council of Public Instruction of the North-West Territories do solemnly declare that I have taught and conducted the \_\_\_\_\_ department of the \_\_\_\_\_ school in \_\_\_\_\_ School District No. \_\_\_\_\_ of the North-West Territories in accordance with the requirements of *The School Ordinance* and the regulations thereunder made by the Council of Public Instruction for the period of \_\_\_\_\_ legally authorised teaching days during the school term ending \_\_\_\_\_ 1 \_\_\_\_\_; that only the text books authorised by the Council of Public Instruction have been used in the said department; that the register has been faithfully and impartially kept; that to the best of my knowledge and belief all the statements in this return are correct; that my agreement with the trustees is in accordance with the Ordinance and regulations in that behalf, and there is no collusive understanding by which any portion of the said agreement is to be made of no effect; that all my salary has been paid up to and including the last day of the said term except the amount of \$ \_\_\_\_\_, which was due on that date; and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at \_\_\_\_\_ }  
this \_\_\_\_\_ day of \_\_\_\_\_ E. F. \_\_\_\_\_  
1 Teacher.

DECLARATION OF SECRETARY.

I, \_\_\_\_\_, secretary to the board of trustees of \_\_\_\_\_ School District No. \_\_\_\_\_, do solemnly declare that the \_\_\_\_\_ department of the above school respecting which the treasurer and teacher have declared to specific statements in this return has been supported and controlled by the trustees in accordance with the provisions of *The School Ordinance* and the regulations thereunder made by the Council of Public Instruction; that to the best of my knowledge and belief this return is correct in every respect; and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at \_\_\_\_\_ }  
this \_\_\_\_\_ day of \_\_\_\_\_ G. H. \_\_\_\_\_  
1 Secretary of trustees.

FORM J.

(Section 91.)

ANNUAL FINANCIAL STATEMENT.

School District No.

The following statement of cash received and expended by me on account of the above school district for the year ended December 31st, 1 together with the other information furnished by me (E. and O. E.) is correct and true in every particular.

| RECEIPTS.                            |  |  | EXPENDITURES.                             |  |  |
|--------------------------------------|--|--|---|--|--|
| Gov't grant for term ended .....     |  |  | For teachers' salaries.....               |  |  |
| Gov't grant for term ended .....     |  |  | On account of debenture indebtedness..... |  |  |
| Taxes collected during the year..... |  |  | For rent of buildings.....                |  |  |
| Received for fees from pupils.....   |  |  | “ school apparatus .....                  |  |  |
| Proceeds of sale of debentures.....  |  |  | “ library .....                           |  |  |
| .....                                |  |  | “ caretaker and fuel.....                 |  |  |
| .....                                |  |  | On school buildings .....                 |  |  |
| .....                                |  |  | .....                                     |  |  |
| .....                                |  |  | .....                                     |  |  |
| .....                                |  |  | .....                                     |  |  |

AMOUNTS DUE TO AND BY THE DISTRICT.

|  |  |  |   |  |  |
|--|--|--|---|--|--|
| Arrears of taxes due to district ..... |  |  | Balance due on teachers' salaries ..      |  |  |
| Fees from pupils.....                  |  |  | Balance due on outstanding accounts ..... |  |  |
| .....                                  |  |  | Balance due on buildings and land.....    |  |  |
| .....                                  |  |  | .....                                     |  |  |

| PARTICULARS OF ASSESSMENT.                                     |  |  | ASSETS OF DISTRICT.                      |  |  |
|--|--|--|--|--|--|
| Amount of assessable property from last revised ass'mt roll .. |  |  | Estimated value of real estate.....      |  |  |
| Rate of school tax per dollar.....                             |  |  | Estimated value of school buildings..... |  |  |
| Rate of school tax per dollar to pay debenture indebtedness... |  |  | Estimated value of furniture .....       |  |  |

| AUDITOR'S REPORT.  |  |  | COST OF LAND AND BUILDINGS.   |  |  |
|--|--|--|-------------------------------|--|--|
| I hereby certify that I have compared the above statement with the books kept by the district and find the same correct. |  |  | Amount paid for school site.. |  |  |
| Auditor.   |  |  | “ “ “ buildings               |  |  |
|  |  |  | “ “ “furniture,&c.            |  |  |

Treasurer.

## FORM K.

(Section 142.)

To the Board of Trustees of School District No.

Gentlemen,—The petition of the undersigned resident ratepayers of school district No. sheweth:

1. That the undersigned are resident ratepayers of the above named school district and are qualified ratepayers within the meaning of *The School Ordinance*;

2. That it is desirable that the system of assessment provided for in section 142 of *The School Ordinance* be adopted (*or discontinued as the case may be*) in the said school district;

3. That the total number of resident ratepayers in the district is ;

Therefore your petitioners pray that you may adopt (*or discontinue as the case may be*) such system of assessment.

Dated at this day of 1

A. B.,  
Witness.

C. D.,  
E. F.,  
G. H.

## DECLARATION OF WITNESS.

Canada, } I, of  
North-West Territories. } section township  
To wit: } range west of the  
meridian in the North-West Ter-  
ritories do solemnly declare:

That I was personally present and did see the within (*or annexed*) petition duly signed by C. D. and others the petitioners who are personally known to me.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at  
in the  
this day of  
1 .

A. B.

## DECLARATION OF A SUBSCRIBING PETITIONER.

Canada, } I of  
 North-West Territories. } section township  
 To wit: } range west of the  
 } meridian in the North-West Ter-  
 ritories do solemnly declare:

1. That I am a resident ratepayer in (*insert name of school district*) and one of the subscribing petitioners to the within petition;

2. That the several statements in the said petition contained are true to the best of my knowledge and belief;

3. That the subscribing petitioners to the said petition comprise three-fourths of the resident ratepayers of the said school district.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at  
 in the North-West Territories this } C.D.  
 day of A.D. 1 }

## FORM L.

(*Section 186.*)

## TRANSFER OF LAND ON SALE FOR TAXES.

I of being treasurer  
 of School District No. of the  
 North-West Territories by virtue of authority to sell lands for  
 arrears of taxes vested in me by warrant under the hand of  
 the chairman of the board of trustees of the said school district  
 and the seal of the said board and by *The School Ordinance*  
 do hereby in consideration of the sum of dollars  
 paid to me by of being  
 the price for which the said land was sold at a sale by me on  
 the day of 1 for arrears of  
 taxes due on said land to the said school district, transfer to  
 the said all that piece of land being  
 In witness whereof I have hereunto  
 set my hand and the seal of the said board of trustees this  
 day of 1

Signed by the above }  
 named in }  
 the presence of }

*Affidavit of Witness to be Indorsed on Transfer.*

Canada  
North-West Territories. }  
To wit :

I of (residence) in the North-West Territories, (occupation) make oath and say :

1. I was personally present and did see named in the within instrument who is personally known to me to be the person named therein he being the treasurer of School District No. of the North-West Territories duly sign and execute the within instrument for the purposes named therein :

2. That the said instrument was executed at in the said Territories and that I am the subscribing witness thereto :

3. That I personally know the said and he is in my belief of the full age of twenty-one years.

Sworn before me at  
in the North-West Territories }  
this day }  
of 1 }

## FORM M.

(Section 197.)

## BYLAW No.

A bylaw relating to the issue of debentures of the (give full corporate name of school district).

Whereas it is necessary and desirable that the sum of dollars should be borrowed on the security of the (give full name of school district) for the purpose of repayable to the bearer with interest at per centum per annum in equal consecutive annual instalments ;

Now therefore the board of trustees of the said school district enact as follows :

1. That the necessary notices be given and proceedings had under *The School Ordinance* for receiving the sanction of the ratepayers of the said school district to the loan and the issue of debentures therefor and that the voting thereon shall take place at on the day of 1 , pursuant to the provisions of the said Ordinance ;

2. That if the said sanction be obtained and the Lieutenant Governor in Council shall empower in writing the said board

of trustees to borrow the said sum pursuant to the said Ordinance then debentures of the said school district will be issued payable to the bearer in equal consecutive annual instalments with interest at per centum per annum and shall be executed by the chairman and one member of this board of trustees.

Done and passed at  
of this day of A.D. 1 .

Chairman.

} Trustees.

[SEAL.]

### FORM N.

(Section 198.)

### PUBLIC NOTICE.

By the trustees of the (*give full corporate name of school district*).

Whereas it is deemed expedient by the trustees of the (*give full name of the school district*) that the sum of dollars should be borrowed on the security of the said school district by the issue of debentures repayable to the bearer in equal consecutive annual instalments from the issue thereof with interest at the rate of per centum per annum for the following purposes namely :

Therefore notice is hereby given by the trustees of the said district that a poll will be opened by the undersigned chairman of the said trustees at the on the day of , 1 , at the hour of ten o'clock a.m. and will continue open until four o'clock p.m. of the same day when the votes of those duly qualified to vote thereon will be taken for or against raising the said sum of dollars by way of a loan on the security of the said school district as hereinbefore set forth.

The qualification of voters is expressed in the following oath or affirmation which persons desiring to vote must take if required : " I *A B.* do solemnly swear that I am a *bona fide* rate-payer of the (*name of school district*) ; that I am of the full age of twenty one years ; that I am not an unenfranchised Indian ; that I have paid all taxes due by me to the said school district ; that I have not voted before at this election and have not received any reward either directly or indirectly nor have I any hope of receiving any reward for voting at this time and place."

Of which all persons interested are hereby notified and are required to govern themselves accordingly.

Chairman.

} Trustees.

Dated at  
this day of 1 .

FORM O.

(Section 205.)

I the undersigned justice of the peace in and for the North-West Territories having received the poll book used to record the votes taken at the meeting held in the *(give name of school district in full)* on the                      day of                      1                      , in connection with the issue of debentures on the security of the said district and having heard all complaints relative to the conduct of the voting beg leave to submit the following return of the votes :

| Total No. of votes taken. |          | No. of votes on each side after the recount. |          |
|---------------------------|----------|--|----------|
| For.                      | Against. | For.   | Against. |
|                           |          |  |          |

Dated at                      this                      J. P.,                      day  
of                      1                      .

## CHAPTER 76.

### An Ordinance respecting the Marking and Inspection of Stock.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Brand Ordinance.*"  
No. 23 of 1897, s. 1.

#### INTERPRETATION.

Interpretation      **2.** In this Ordinance unless the context otherwise requires—  
Department      1. The expression "department" means the department of agriculture ;  
"Minister"      2. The expression "minister" means the member of the executive council to whom is assigned from time to time the duty of administering the department of agriculture ;  
"Horse"      3. The expression "horse" means any horse, mare, gelding, colt or filly, ass or mule ;  
"Cattle"      4. The expression "cattle" means any bull, cow, ox, heifer, steer or calf ;  
"Stock"      5. The expression "stock" means any horse or head of cattle ;  
"Owner"      6. The expression "owner" means the owner jointly or in severalty of any brand recorded under this Ordinance or the authorised agent of such owner ;  
"Proprietor"      7. The expression "proprietor" means the owner or proprietor jointly or in severalty of any stock or the authorised agent of such proprietor ;  
"Brand"      8. The expression "brand" means any letter, sign, character or numeral recorded as allotted to any owner and the permanent impression of any letter, sign, character or numeral placed upon any stock under the provisions of this Ordinance ;  
"Vent"      9. The expression "vent" means  
    (a) In the case of any re-allotted brand any vent recorded prior to the first day of March, 1898' and re-allotted or where no vent has been re-allotted the second permanent impression of the re-allotted brand placed upon the same side of any stock as the original brand ;  
    (b) In the case of any three-character brand recorded since the first day of March 1898, either the second permanent impression thereof placed upon the same side of any stock as the original brand which may be reduced in size to one half the size of the original brand or an impression of the first sign, character, letter or figure of such brand placed horizontally below the brand ;



any such vent denoting the fact of the proprietary rights in such stock having passed from the owner to some other person;

10. The expression "record" means the book kept by the "Record" recorder in pursuance of this Ordinance in which a description of every brand is recorded as such brand is allotted to any owner. No. 23 of 1897, s. 2; No. 31 of 1898, s. 2.

#### BRANDS, THEIR NATURE, OWNERSHIP, USE AND SIGNIFICANCE.

3. All brands recorded under the provisions of any Ordinance prior to the first day of March 1898 are declared on and after the first day of July, 1898, to have been cancelled as recorded brands. No. 23 of 1897, s. 3. Cancellation of brands

4. Any brand or mark recorded under the provisions of the Ordinances in that behalf prior to the first day of March, 1898, or in actual use before that date which for any reason satisfactory to the minister has not been recorded under the provisions of this Ordinance may (with the approval of the minister) be allotted to the owner thereof if application for such allotment is received by the recorder on or prior to the thirtieth day of June, 1899; otherwise every brand that is under this Ordinance allotted (except for horses) shall consist of not more nor less than two letters and one numeral or of two signs or characters and one numeral representing running or consecutive numbers; and the shape and pattern of such letters, signs or characters and of such numerals as aforesaid and the arrangement of such letters, signs or characters and numerals as aforesaid shall be fixed and determined by the minister in such positions as the minister may decide. No. 23 of 1897, s. 4; No. 31 of 1898, s. 3. Allotment of existing or new brand

5. Upon the allotment and record of any brand to any owner or transferee under the provisions of this Ordinance such owner or transferee shall have the exclusive right to the use of such brand and the presence of a recorded brand on any stock shall be *prima facie* evidence of the ownership of such animal by the owner of such brand. No. 23 of 1897, s. 5. Exclusive right to brand

6. One brand for horses and one brand for cattle and no more shall be allotted to each owner. No. 23 of 1897, s. 6. One brand for horses and one for cattle

#### RECORD OF BRANDS.

7. The Lieutenant Governor in Council may appoint a recorder of brands who shall in every way be subject to the direction of the minister. No. 23 of 1897, s. 9. Recorder of brands

8. The recorder shall keep a record of all brands allotted under this Ordinance. No. 23 of 1897, s. 10. Record of brands

9. Any person requiring the allotment to him of a brand shall make application to the recorder therefor accompanied by the fee prescribed in the tariff of fees appended hereto. Application for allotment of brand

(2) Each application shall be limited to a brand for cattle or a brand for horses. No. 31 of 1898, s. 5.

Allotment  
of brand

**10.** Upon being satisfied that the application is in conformity with the provisions of this Ordinance the recorder shall allot to such applicant in the order in which his application is received the first brand which may be allotted under the provisions of this Ordinance and shall record the said brand to such applicant accordingly and the recorder shall also mark upon the said application a facsimile of the brand allotted to such applicant. No. 23 of 1897, s. 12.

Certificate  
of record  
of brand

**11.** Upon the recording of any brand as aforesaid the recorder shall deliver or transmit to the applicant to whom such brand is allotted a certificate of the record thereof; and the production of any certificate purporting to be a certificate signed by the recorder under the provisions of this section in any court shall be *prima facie* evidence of the ownership of such brand without any further proof of signature. No. 23 of 1897, s. 13.

Publication  
of recorded  
brands

**12.** The minister may at such times and in such manner as to him may seem desirable publish a complete list of the brands recorded under this Ordinance and may make a reasonable charge for the volume containing the same. No. 31 of 1898, s. 6.

#### TRANSFERS.

Transfer  
of brands

**13.** Any person wishing to transfer the right to any brand recorded under the provisions of this Ordinance shall make and sign in the presence of any person empowered to administer oaths for use in the Supreme Court of the Territories a memorandum in form A in the schedule hereto and shall transmit the same to the recorder with the certificate of the record issued by the recorder and the fees chargeable on such transfer as set forth in the tariff of fees appended hereto; and the recorder shall upon the receipt of such memorandum, certificate and fees make an entry opposite to the original record of the allotment setting forth the fact of such transfer of such brand to the transferee; and such transferee shall thereafter be deemed to be the person having the exclusive right to use such brand. No. 23 of 1897, s. 16; No. 31 of 1898, s. 7.

Vent of  
transferred  
stock

**14.** Upon every transfer of any stock marked with the recorded brand of the transferor the transferor shall vent the stock so transferred unless such transfer also includes the brand with which such stock is marked:

Provided however that any transferee taking possession of any stock for the purpose of slaughtering or shipping such stock out of the Territories may waive his right to claim that such stock shall be branded with a vent mark, but in such case the transferor shall give to the transferee a statement in form B in the schedule hereto which shall be accepted as evidence of the transfer of such stock wherever such evidence may be required for the space of thirty days from the date on which

such statement purports to have been made. No. 23 of 1897, s. 17.

#### INSPECTORS OF STOCK. THEIR DUTIES AND FEES.

**15.** The Minister may from time to time appoint such persons as he may think fit to be inspectors of stock; and notification of every such appointment published in the official gazette shall be evidence thereof. No. 23 of 1897, s. 19. Inspectors of brands

**16.** It shall be the duty of every inspector of stock to keep a full, clear and correct record of every head of stock inspected or hide punched by him and in every way possible to take such action as shall tend to the proper carrying out of all the provisions of this Ordinance. No. 23 of 1897, s. 20; No. 31 of 1898, s. 9. Duties of inspectors

**17.** Every inspector of stock after performing any of the duties of his office and upon tender of the proper fees therefor shall furnish a certificate of such inspection to any person requiring the same and the production of any certificate purporting to be a certificate signed by an inspector of stock under the provisions of this section in any court shall be *prima facie* evidence of such inspection without any further proof of signature. No. 23 of 1897, s. 21; No. 31 of 1898, s. 9. Certificate of inspection

**18.** The inspector of stock shall be entitled to a fee of ten cents for every hide punched and recorded by him to be paid by the person producing the same for record; and to a fee of five cents for every animal the brands on which are recorded by him under the provisions of section 21 of this Ordinance to be paid by the person required to have the same done; and the said fee shall be paid to the inspector of stock before any certificate of the inspection and record is given by him. No. 23 of 1897, s. 28; No. 31 of 1898, s. 9. Fees to inspector

#### MISCELLANEOUS.

**19.** No person shall place any head of stock in any railway car in any part of the Territories for shipment out of the Territories without first obtaining a certificate from an inspector of stock setting forth that he has made an inspection of such stock and recorded the sex, brands and marks of every head of such stock; and at any prosecution for contravening the provisions of this section the onus of proof that an inspection has been made as required by this section shall be upon the person whose duty it is to have such inspection made: Certificate must be obtained before shipment of stock

Provided that the minister may direct that the provisions of this section shall not apply within any particular area or at any point or points during any period named by him and he may revoke or vary any such direction. No. 23 of 1897, s. 22; No. 31 of 1898, ss. 9, 10.

**20.** Every butcher engaged in slaughtering cattle shall keep a record of all cattle so slaughtered naming therein the person Butcher to keep record

of slaughtered cattle from whom purchased, his place of residence, and the age, sex, brands (if any) and marks of all such cattle, which record shall at all times be open to the inspection of the public. No. 23 of 1897, s. 23.

Inspection of hides of cattle slaughtered by butcher

**21.** Every butcher slaughtering cattle shall keep the hides of such cattle at his place of slaughtering for a period of not less than seven days; and such hides shall be open to the inspection of the public and no hide shall be sold or disposed of in any manner until an inspection of such hide and a record of the brands thereon has been made by an inspector of stock who shall thereafter punch the hide and furnish a certificate of such inspection and record. No. 23 of 1897, s. 24; No. 31 of 1898, s. 9.

Inspection of hides of cattle slaughtered for sale by person other than butcher

**22.** Every person other than a butcher who slaughters any head of cattle for beef shall exhibit the hide of such animal at the time and place the beef is offered for sale; and before such beef is offered for sale the hide shall be punched and a record of the brands (if any) thereon made by an inspector of stock. No. 23 of 1897, s. 25; No. 31 of 1898, s. 9.

Inspection of hides of cattle slaughtered for home consumption

**23.** Every person other than a butcher who slaughters any head of cattle for home consumption shall keep the hide of such cattle so slaughtered intact for a period of sixty days subject to the inspection of the public:

Provided always that such hide may at any time before the expiration of the said period be sold to any person required by this Ordinance to keep a record of hides purchased by him. No. 23 of 1897, s. 26.

Purchaser of hides to keep record

**24.** Every purchaser of hides shall keep a record of all hides of cattle purchased by him which record shall state—

- (a) The date of each such purchase;
- (b) The name of the person from whom purchased;
- (c) His place of residence;
- (d) All brands and marks on such hides specifying distinctly whether the brands are vented or not;

which record shall at all times be open to the inspection of the public. No. 23 of 1897, s. 27.

Owner only to remove hide from dead cattle

**25.** No person other than the owner of such animal or his agent or employee shall remove the hide from the carcase of any cattle found dead. No. 23 of 1897, s. 29.

Officers to make returns and furnish information

**26.** Every officer appointed under the provisions of this Ordinance shall on or before the fifteenth day of January in each year make a return to the minister setting forth the fees and emoluments received under this Ordinance for the calendar year next preceding and shall at all times furnish to the minister on demand therefor any information he may require in connection with such office. No. 23 of 1897, s. 30.

## PENALTIES.

**27.** Any person disobeying or contravening any of the provisions of this Ordinance (excepting such as are provided for in the next succeeding section) shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty not exceeding \$100. No. 23 of 1897, s. 17. Penalty for  
contravention  
of Ordinance

## OFFENCES AND PENALTIES.

**28.** Any person who—

- (a) Brands or directs, aids or assists to brand any stock with a brand which shall not have been recorded under the provisions of this Ordinance; Offences and  
penalties
- (b) Brands or causes, directs or permits to be branded with his own brand any stock of which he is not the owner, without the authority of the owner;
- (c) Blotches, defaces or otherwise renders illegible or alters any brand or mark upon stock or directs, causes or permits any such brand or mark to be blotched, defaced or otherwise rendered illegible or altered:

shall be guilty of an offence and on summary conviction thereof before a justice of the peace liable to a penalty not exceeding the sum of \$200. No. 23 of 1897, s. 18; No. 31 of 1898, s. 8.

## SCHEDULE.

## FORM A.

## MEMORANDUM OF TRANSFER.

To the recorder of brands :

I (*or we*) being the recorded owner of the brand mentioned in the margin hereof having transferred the same to  
do hereby request that you will make the necessary  
transfer to \_\_\_\_\_ of such brand in your record  
and \_\_\_\_\_ enclose herewith the sum of \$1 as the  
authorised fee on such transfer.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1 \_\_\_\_\_

*Owner.*

*Transferee.*

*Witness :*

## FORM B.

To all whom the same may in any wise concern :

Take notice that I have this day sold (*numbers and description of animals sold*) to (*name of person.*)

(*Signature.*)

Dated at  
this \_\_\_\_\_ day }  
of \_\_\_\_\_ 1 }

## TARIFF OF FEES.

|  |        |
|--|--------|
| On application for re-allotment of brand already recorded..... | nil    |
| On application for re-allotment of brand.....                  | \$1 00 |
| On every transfer of a recorded brand .....                    | 1 00   |

## CHAPTER 77.

### An Ordinance respecting Fences.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Fence Ordinance.*" Short title No. 88 of 1897, s. 56 (1).

#### PROVISIONS REGARDING FENCES.

2. No action for damages caused by domestic animals shall be maintained nor shall domestic animals be liable to be dis-<sup>Absence of lawful fence</sup>trained for causing damage to property unless the same is surrounded by a lawful fence. No. 26 of 1891-92, s. 1 ; No. 38 of 1897, s. 56 (2).

3. Unless in this Ordinance otherwise provided any of the fences in this section described shall be deemed a lawful fence:<sup>Lawful fence defined</sup>

1. North of the range of townships numbered 30 any substantial fence four feet six inches high if it consists—

- (a) Of rails or boards the lower one not more than one foot from the ground the others not more than six inches apart except the top one which may be eight inches from the next lower rail ;
- (b) Of upright posts or boards not more than six inches apart ;
- (c) Of barbed wire and a substantial rail on the top the wires to be not less than two in number and the lower one not more than twenty inches from the ground ;
- (d) Of common wire and a substantial rail on the top the wires to be not less than four in number or more than one foot apart :

Provided that any person who erects or has on his premises a wire fence without a securely fastened and substantial top rail throughout its whole length shall be guilty of an offence and upon summary conviction thereof before a justice of the peace be liable to a penalty not exceeding \$100 and costs in addition to the amount of damages for which he may otherwise be liable ;

2. In that portion of the provisional district of Alberta lying south of townships numbered 47 (in addition to any other lawful fence) the following :

Any fence of three or more wires barbed or plain on posts not more than thirty-five feet apart the wires being stapled to droppers not less than five feet in height

two inches in width and one and a half inches in thickness or willow or other poles not less than five feet high and one inch in diameter at the small end the said droppers or poles being placed (one end resting on the ground) at regular intervals of not more than ten feet apart ;

3. In all other parts of the Territories any substantial fence four feet six inches high if it consists—

- (a) Of rails or boards not less than four in number the lower one not more than eighteen inches from the ground and each panel not exceeding twelve feet in length ;
- (b) Of upright posts or boards not more than six inches apart ;
- (c) Of barbed wire and a substantial rail on the top, the wires to be not less than two in number and the lower one not more than twenty inches from the ground or of three barbed wires or more, the lower one not more than twenty inches from the ground ; posts not to be more than sixteen and a half feet apart ;
- (d) Of common wire and a substantial rail on the top, the wires not to be less than three in number or more than one foot apart ; or of four wires one foot apart ; posts not to be more than sixteen and a half feet apart ;
- (e) Of three or more wires barbed or plain on posts not more than fifty feet apart, the wires being stapled to droppers not less than five feet in height, two inches in width and one and a half inches in thickness ; or willow or other poles not less than five feet high and one inch in diameter at the small end ; the said droppers or poles being placed (one end resting on the ground) at regular intervals of not more than seven feet apart ;

4. In all parts of the Territories the following described fence known as an A fence :

Two posts spiked together at the top and resting on the ground in the shape of an A, which shall be joined by a brace firmly nailed near the base ; three rails shall be firmly nailed on one side of the A, the top rail not less than four feet six inches from the ground and the the bottom rail not more than eighteen inches from the ground ; there shall also be nailed on the other side of the A one rail not more than twenty inches from the ground ;

5. In all parts of the Territories any river bank or other natural boundary sufficient to keep domestic animals out of any land shall be a lawful fence. No. 26 of 1891-2, ss. 2, 3, 4, 5 ; No. 38 of 1897, s. 56 (3, 4) ; No. 32 of 1898,



**4.** No fence surrounding growing crops or crops in process of being harvested shall be deemed a lawful fence unless it is situated at least eight feet from such crop and otherwise complies with the provisions of this Ordinance. No. 38 of 1897, s. 56 (5). Fences around crops

**5.** No fence surrounding stacks of hay or grain shall be deemed a lawful fence unless the same be situate twenty-five feet from such stacks and consist of— Fences around stacks

- (a) Rails or boards the lower one not more than one foot from the ground, the others not more than six inches apart except the top one which may be eight inches from the next rail, each panel not exceeding twelve feet in length and all rails to be securely fastened ;
- (b) Or of barbed wire or common wire and a substantial rail on the top securely fastened, the wires to be not less than four in number, the lower wire not more than one foot from the ground and the others not more than eight inches apart ;
- (c) Or of barbed or common wire not less than five in number, the lower wire not more than one foot from the ground and the others not more than eight inches apart. No. 16 of 1891-2, s. 6 ; No. 38 of 1897, s. 56 (6).

**6.** Whenever the owner or occupant of any land erects a line or boundary fence the owner or occupier of the adjoining land shall as soon as he incloses any portion of his land by a cross fence connecting with the said line fence pay to the first mentioned owner or occupier a fair value of one-half of so much of the said line fence as forms one side of such inclosure and each of the owners or occupiers of adjoining lands shall make, keep up and repair a just proportion equal to one-half of the fence forming a boundary between them ; and any one of such persons failing to do so after one week's notice from his neighbour shall compensate such neighbour the value of the work done in making and repairing the same. No. 26 of 1891-2, s. 7. Liability of adjoining owners to contribute to erection and repair of fencing

**7.** The owner of any domestic animal which breaks into or enters upon any land inclosed by a lawful fence shall be liable to compensate the owner of such land for any damage done by such animal. No. 38 of 1897, s. 56 (7). Trespassing of animals Liability of owner

**8.** In case adjoining owners or occupiers of land disagree as to what is a lawful fence or as to the just proportion of a line fence which each such owner or occupier should make or put in repair or as to the amount which any such owner or occupier should make compensation to the other for making or keeping in repair any fence or in case parties interested disagree as to the amount of damages done by animals breaking into or entering upon any land inclosed by a lawful fence they shall each appoint an arbitrator to determine and settle the matter Disagreement as to fencing or damages Arbitration

in difference and such arbitrators shall first giving the parties in difference reasonable notice of the time and place where they intend to meet for the purpose of hearing and determining the matter in difference) attend at such time and place and hear such parties and their witnesses and make their award in respect to the matters so in difference; and in case such arbitrators are unable to agree they shall appoint an umpire who shall make an award in respect to the said matters; and in case either of the parties in difference refuses or omits to appoint an arbitrator within forty-eight hours after a demand is made in writing upon him to do so by the other party in difference such other party in difference may apply to a justice of the peace who being satisfied by the oath of a credible witness that such demand has been made and not complied with may appoint an arbitrator in the stead of the person so refusing or omitting to appoint and the arbitrator so appointed shall proceed and act and all steps shall be had and taken as in this section provided as if such arbitrator had been appointed by the person so refusing or omitting to appoint. No. 38 of 1897, s. 56 (8).

Exceptions as  
to herd and  
pound districts

**9.** Nothing in the preceding section shall be held to affect in any way the right of any person to seize or impound cattle in any herd or pound district under the provisions of any Ordinance authorising the seizing or impounding of cattle in any such district or to affect the demand or recovering of damages in the mode prescribed by any such Ordinance. No. 38 of 1897, s. 56 (8).

## CHAPTER 78.

### An Ordinance respecting Stallions and Bulls.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Entire Animals Ordinance.*" No. 22 of 1897, s. 1.

#### INTERPRETATION.

2. In this Ordinance unless the context otherwise requires—

1. The expression "department" means the department of agriculture ;

2. The expression "minister" means the member of the Executive Council of the Territories to whom may be assigned from time to time the duty of administering the department of agriculture ;

3. The expression "justice" means any justice of the peace ; "Justice"

4. The expression "owner" means any person owning any stallion or bull dealt with under this Ordinance ;

5. The expression "captor" means any person seizing or confining any stallion or bull under this Ordinance ;

6. The expression "run at large" or "running at large" means without being under control of the owner either by being in direct and continuous charge of a herder or by confinement within any building or other inclosure or fence whether the same be lawful or not. No. 22 of 1897, s. 2.

3. No stallion of one year old or upwards shall be permitted to run at large in any part of the Territories at any time. No. 22 of 1897, s. 3.

4. Except as hereinafter provided no bull nine months old or upwards shall be permitted to run at large in any part of the Territories at any time.

(2) The minister may by notice published in two consecutive issues of the official gazette declare that bulls may be permitted to run at large in any district described in such notice between the first day of July in any year and the thirty-first day of March in the following year both days inclusive. No. 22 of 1897, s. 4.

5. Except within the limits of any pound district or herd district constituted under the provisions of any Ordinance of the Territories any person who finds a stallion or bull running

large may  
be captured

at large contrary to the provisions of this Ordinance may capture and confine such bull or stallion and promptly thereafter shall notify the owner thereof if known to such captor; and if such owner do not within three days after receiving such notice take away such stallion or bull and pay the captor thereof \$5 for his trouble and 25 cents per diem for the keep of the said stallion or bull for every day it has been in his custody such owner shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$20 together with the cost of prosecution and the fees for capturing and the keep of such stallion or bull as aforesaid which said fees shall be paid over on collection to the captor. No. 22 of 1897, s. 5.

When owner  
is unknown

**6.** When the owner of any stallion or bull captured and confined under the provisions of the last preceding section is unknown to the captor, the said captor shall within forty-eight hours after such capture post up a notice of detention in form A in the schedule hereto in three public places in the neighbourhood of the place of capture and at the same time forward a copy of the notice to the department for publication in two consecutive issues of the official gazette, and the owner of such stallion or bull shall be entitled to receive delivery thereof upon paying the captor \$5 for his trouble and 25 cents per diem for the keep of such animal together with the amount of the expenses actually incurred for advertising.

Advertising  
capture

(2) In addition to advertising the capture of a stallion or bull in the official gazette as herein provided the captor may also cause a copy of the notice of detention to be inserted in three successive weekly issues of the newspaper published nearest to the neighbourhood in which the capture was made, and any expenditure not exceeding the sum of \$1 made for such advertising shall be reimbursed to the captor by the owner if the said stallion or bull is released by such owner or, if not so released, by the justice after the sale of such stallion or bull upon proof of such expenditure having been made. No. 22 of 1897, s. 6.

When animal  
may be sold

**7.** If at the end of twenty days from the first publication of the notice in the said gazette no owner be found for such stallion or bull or the payments herein provided have not been made to the captor, then upon application to a justice in form B in the schedule hereto verified under oath before the said justice, the said justice may after eight days' notice posted up in three conspicuous places in the neighbourhood of the place of capture (one of which shall be the post office nearest thereto) stating the time and place of sale, sell or cause the said stallion or bull to be sold by public auction, and out of the proceeds of such sale shall first pay the expenses of sale and advertising and justice's fees and then the sum of \$5 and costs of keeping to the captor and the balance to the minister.

Disposition  
of proceeds

(2) The justice of the peace shall immediately after the sale send to the department a description of the animal or animals sold, the date of sale, the amount realised and the disposition thereof. No. 22 of 1897, s. 7; No. 33 of 1898, s. 1.

**8.** Any money paid to the minister under the provisions of the section next preceding shall be paid over to the owner of the animal sold on evidence of ownership (satisfactory to the minister or other officer appointed to examine into the same) being furnished and application therefor being made to the Lieutenant Governor within twelve months from the date of the sale; otherwise such money shall form part of the general revenue fund. No. 22 of 1897, s. 8.

Proceeds remitted to treasurer may be paid to owner

**9.** The justice to whom application is made for authority to sell any stallion or bull which may be sold under the provisions of this Ordinance may either sell the animal himself or order it to be sold by the nearest accessible pound keeper to the place where the animal was found or in the absence of any such pound keeper living within reasonable distance thereto may authorise any person in writing to sell such animal; and no liability shall be incurred by any person making such sale by reason of his not being in possession of a license to act as auctioneer under the provisions of any Ordinance of the Territories. No. 22 of 1897, s. 9.

Who may sell animal

**10.** The justice or person authorised thereto selling any stallion or bull under the provisions of this Ordinance shall be entitled to retain to his own use and benefit \$2.50 per centum commission upon the proceeds of such sale. No. 22 of 1897, s. 10.

Salesman's fees

**11.** In any pound district or herd district established under the provisions of any Ordinance of the Territories no stallion or bull shall be detained or sold in the manner provided in this Ordinance but (if captured) shall be taken by the captor to the nearest accessible pound there to be dealt with as it is provided estrays may be dealt with. No. 22 of 1897, s. 11.

Stallions or bulls at large in pound or herd districts

**12.** The owner of any stallion or bull who after receiving a notice signed by a justice of the peace that such stallion or bull is running at large contrary to the provisions of this Ordinance and requiring such owner to capture and confine the same neglects or refuses within forty-eight hours to comply with such notice shall be guilty of an offence and liable on summary conviction thereof before a justice of the peace to a penalty of \$5 for every day after the expiration of the time mentioned in said notice the stallion or bull is at large. No. 22 of 1897, s. 12.

Penalty for owner allowing stallion or bull to run at large

**13.** Without in any way prejudicing the right which a justice may have to fees established by law in respect of any proceedings in summary convictions under this Ordinance or under section 9 of this Ordinance a justice shall be entitled to the following fees for services performed by him under section 7 hereof :

Fees allowed to justice

Preparing the application therein mentioned and administering oath, fifty cents.

Preparing and posting the notices therein mentioned, \$1.

No. 22 of 1897, s. 13; No. 33 of 1898, s. 2.

## SCHEDULE.

## FORM A.

The undersigned gives notice that he has captured a (stallion or bull as the case may be with a full description of same) while running at large contrary to the provisions of *The Entire Animals Ordinance*. The said (stallion or bull) is detained on the (description of quarter-section or other place where the animal is confined) and if not claimed in due course will be dealt with according to law.

The capture was made at \_\_\_\_\_ o'clock on \_\_\_\_\_ day the \_\_\_\_\_ day of \_\_\_\_\_ 1 \_\_\_\_\_, and this notice was posted within \_\_\_\_\_ hours thereafter.  
(Signature and post office address of captor.)

## FORM B.

To A.B. Esquire a justice of the peace in and for the North-West Territories.

The applicant avers that on the \_\_\_\_\_ day of \_\_\_\_\_ 1 \_\_\_\_\_, (naming the date of capture) he found a (bull or stallion as the case may be) running at large contrary to the provisions of *The Entire Animals Ordinance* and captured and confined the same;

That he posted up a notice in three public places in the neighborhood of the capture and advertised such notice in three successive weekly issues of (naming the newspaper if any) and forwarded a copy of the notice to the Department of Agriculture at Regina for publication in the *North-West Territories Gazette*;

That the notice was published in the issue of the said gazette dated (date of first issue of gazette containing notice);

That twenty days have elapsed without the said (stallion or bull) having been released by the payment to the applicant of the moneys he is entitled to be paid under the provisions of the said Ordinance;

That the applicant prays that the said (bull or stallion) may be sold.

(Signature of captor).

I (name of captor) the applicant above named make oath and say that the facts set forth in the above application are true in substance and fact.

(Signature of captor).

Sworn before me

at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_  
1 \_\_\_\_\_

A.B., J.P.

## CHAPTER 79.

### An Ordinance respecting Pound Districts.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Pound District Ordinance.*" No. 21 of 1897, s. 1.

#### INTERPRETATION.

2. In this Ordinance unless the context otherwise requires—

1. The expression "department" means the department of "Department" agriculture ;

2. The expression "minister" means the member of the "Minister" Executive Council to whom is assigned from time to time the duty of administering the department of agriculture ;

3. The expression "animal" means any horse, mule, jack, "Animal" sheep, goat, neat cattle, swine or goose ;

4. The expression "trespasser" means any animal which "Trespasser" breaks into any ground inclosed by a lawful fence ;

5. The expression "estrays" means any animal running at "Estray" large within the limits of any pound district in any period during which animals running at large are by declaration under this Ordinance to be counted estrays or any stallion of the age of one year or upwards or any bull of the age of nine months or upwards or any swine or goose of any age at any time running at large within the limits of any pound district ;

6. The expression "pound keeper" means the person for the "Pound keeper" time being in the authorised charge of any pound ;

7. The expression "lawful fence" means any fence declared "Lawful fence" to be lawful by any Ordinance ;

8. The expression "justice" means any justice of the peace ; "Justice"

9. The expression "proprietor" means any holder or occupier "Proprietor" of land under whatever tenure or any superintendent, overseer, servant or other person acting for and on behalf of such holder or occupier ;

10. The expression "owner" means any person owning any "Owner" animal or any agent or overseer of any such owner ;

11. The expression "captor" means any person seizing or "Captor" distraining any estray ;

12. The expression "distrainor" means any person seizing or "Distrainor" distraining any trespasser ;

"Running  
at large"

13. The expression "run at large" or "running at large" means without being under control of the owner, either by being securely tethered or in direct and continuous charge of a herder or by confinement within any building or other inclosure or a fence whether the same be lawful or not;

"Pound  
district"

14. The expression "pound district" means any district in the Territories constituted under the provisions of this Ordinance. No. 21 of 1897, s. 2; No. 34 of 1898, ss. 2, 3, 4.

#### ORGANISATION OF POUND DISTRICTS.

What districts  
may be  
organised  
and how

3. The Lieutenant Governor in Council may by Order made public by notice in the official gazette constitute any part of the Territories not within the limits of a municipality or a village into a pound district. No. 34 of 1898, s. 5.

Notice to  
be given

4. Before constituting any pound district a notice of intention to do so shall be published in the official gazette and posted in at least one post office within such proposed pound district or if there be no post office within such district then in the post office nearest thereto at least thirty days prior to making such recommendation.

Hour

(2) Such notice shall be addressed to the postmaster at such post office inclosed in a registered cover and all the requirements of this Ordinance respecting the posting of notices shall be held to be completed at the expiration of twenty-four hours after the first mail carrying such notice is scheduled to reach the post office to which the notice is directed.

Objections,  
how to be  
made

(3) If at any time within thirty days after such notice is posted objection is made by a majority of the proprietors of land within such proposed district in form A in the schedule hereto (the facts stated in such objection and the signatures thereto being verified by statutory declaration) the proposed district shall not be constituted; but if no such objection is made within thirty days from the posting of the notice the proposed district may be constituted as hereinbefore provided. No. 21 of 1897, s. 4.

5. The Lieutenant Governor in Council may by Order made public by notice in the official gazette vary or alter the boundaries of or add to or take from any pound district existing hereunder or abolish or discontinue the same. No. 34 of 1898, s. 5.

6. Until it has been otherwise declared or enacted by the council of any municipality or by the voters of any village the pound districts heretofore created under Ordinance No. 21 of 1897 which comprise any portion of such municipality or village shall be continued hereunder and the pound keepers appointed therefor shall continue to act under and subject to the provisions of this Ordinance. No. 34 of 1898, s. 5.

#### OPERATION OF ORDINANCE.

Estrays not

7. No animal declared under the provisions of this Ordinance



ance to be an estray in any pound district shall be permitted to run to run at large therein, and any such animal when not under <sup>at large</sup> control of its owner shall be liable to be impounded.

(2) Upon being satisfied as to the desire of a majority of <sup>When bulls are to be estrays</sup> the proprietors of land in any pound district constituted under the provisions of this Ordinance the minister may by notice published in the official gazette and in any other manner that may seem to him necessary declare that any bull otherwise prohibited from running at large shall be counted an estray or not an estray at any season of the year.

(3) On the application of the council of any municipality or <sup>Pound districts in towns and villages</sup> the overseer of any village on behalf of the residents of such village within the limits of which municipality or village a pound district has been constituted, the minister may declare any animal to be an estray or not an estray at any season of the year within the limits of such pound district. No. 21 of 1897, s. 5 ; No. 34 of 1898, s. 6.

8. The proprietor of any land in any pound district may capture any estray found within such pound district and drive <sup>Estrays may be impounded</sup> such estray to and deliver the same at the nearest accessible pound in the said pound district whether the owner of such estray be known to the captor or not and the said estray may be dealt with in every way as a trespasser may be dealt with under this Ordinance. No. 21 of 1897, s. 6.

9. No procedure under *The Entire Animals Ordinance* shall be taken with respect to stallions or bulls running at large in any pound district but (if captured) all such stallions or bulls shall be forthwith driven to the nearest accessible pound in such pound district there to be dealt with as trespassers may be dealt with under this Ordinance. No. 21 of 1897, s. 7.

10. The proprietor of any land surrounded by a lawful <sup>Trespassers may be impounded</sup> fence, in a pound district, upon which land any animal is found trespassing may seize and detain the same and drive the same to the nearest accessible pound in such pound district and deliver such trespasser to the pound keeper to be impounded and shall at the same time deliver a written statement describing the animal impounded, the name of the owner (if known), the place where such animal was trespassing, the amount of damages claimed and of his reasonable charges for driving the trespasser to and delivering the same to the pound keeper ; and the said pound keeper shall impound such trespasser under the provisions of this Ordinance and be responsible for the feed and safe keeping thereof so long as he is legally bound to hold the same ; and such pound keeper is empowered to collect the amount of the damages caused by and all charges for the keep and other incidental expenses connected with such trespasser before delivering up the same to the owner thereof. No. 21 of 1897, s. 8 ; No. 34 of 1898, s. 7.

11. Any person acting as inspector, constable or overseer in any municipality or village or the appointee of any such per-

son may take any action or proceedings authorised by this Ordinance on behalf of any proprietor as if by him directed so to do. No 34 of 1898, s. 19.

Animal to be placed in authorised pound

**12.** Any proprietor who shall impound any animal in any pound or place not authorised by this Ordinance shall be guilty of an offence and upon summary conviction thereof before a justice of the peace be liable to a penalty not exceeding \$20.

Temporary impounding

(2) Any such proprietor upon whose property any animal is found trespassing may (if he know its owner) temporarily impound the same in any convenient place for a period not exceeding three days and shall within twenty-four hours after such impounding deliver to such owner a written memorandum in like manner as it is hereinbefore enacted shall be delivered to a pound keeper with any trespasser impounded in his pound; and shall feed and maintain such animal while so impounded; and may at the expiration of such time (if not sooner duly released) deliver it to the keeper of the nearest accessible pound: and such proprietor may make a charge for feeding and maintaining such animal and for sending notice not exceeding such as might by law be made by a pound keeper but shall not be entitled to any compensation for damage except for such as was done before the temporary impounding. No. 21 of 1897, s. 9.

When trespass is committed in certain cases

**13.** In every case where damage is done to the inclosed lands of any person in any pound district as the result of any animal breaking through or over the fence or fences inclosing the same such animal may be considered and treated as a trespasser within the meaning of this Ordinance if that part of the fence broken through or over by such animal is a lawful fence although other parts of the inclosing fence may not be lawful; and any animal breaking through or over a division fence in any pound district which its owner or person having charge of such animal is bound to repair and keep up shall be considered and treated as a trespasser within the meaning of this Ordinance although the said fence may not be a lawful fence. No. 21 of 1897, s. 10.

Lawful fences in certain cases

**14.** In every case in which more proprietors than one hold lands inclosed by a common outward lawful fence such lands shall for the purposes of this Ordinance be deemed as against all persons outside such general fence to be lawfully fenced but as against each other where no lawful fence stands between them to be uninclosed lands. No. 21 of 1897, s. 11.

Responsibility of persons in charge of animals doing damage

**15.** The person in charge of any animal within a pound district shall be liable for any damage caused by such animal under his charge as though such animal were his own property; and the owner of any animal allowed to run at large in any pound district contrary to the provisions of this Ordinance shall be liable for any damage done by such animal although the land whereon such damage was done was not inclosed by a lawful fence. No. 21 of 1897, s. 12.

## APPOINTMENT OF POUND KEEPERS.

**16.** In any pound district the minister may appoint one or more pound keepers therefor and notice of every such appointment shall be published in the official gazette describing the name and post office address of such pound keeper and the location of the pound : All pound keepers to be appointed by minister

Provided that all pounds established or pound keepers appointed therefor at the time of the passing of this Ordinance shall be deemed to be the pounds established and pound keepers appointed under the provisions of this Ordinance and subject to the provisions thereof. No. 21 of 1897, s. 13. Proviso

**17.** Every appointment of a pound keeper made under the provisions of this Ordinance shall terminate on the thirty-first day of December in each year but all pound keepers so appointed may at the expiry of each period of twelve months be eligible for reappointment. All appointments to terminate on December 31 annually

(2) Any pound keeper wishing to resign his appointment may do so but no such resignation shall take effect until a successor to such pound keeper is appointed. No. 21 of 1897, s. 14. Resignation of pound keeper

**18.** Every notice of the appointment or removal of any pound keeper or the establishment or abolition of any pound published in the official gazette of the Territories shall be evidence that such pound keeper or pound has been legally appointed, removed, established or abolished as in the said notice is mentioned. No. 21 of 1897, s. 16. Publication of notices

## DUTIES OF POUND KEEPERS.

**19.** Every pound keeper shall keep a pound book in a form to be prescribed by the minister from time to time and shall make all entries therein as soon after the doing of the several things required to be entered therein as possible and shall not make any entry after any dispute as to the subject matter of such entry shall have arisen ; and the said pound book and a copy of this Ordinance which the pound keeper is hereby required to keep shall at all reasonable times be open to the inspection of any justice or member of the North-West mounted police force or any constable free of charge and of any other person upon payment of the sum of ten cents ; and every such pound keeper shall grant extracts from his pound book to any person requiring the same upon payment of twenty-five cents for each extract not exceeding one hundred words and the sum of ten cents for every subsequent number of words not exceeding one hundred. Book to be kept by pound keeper

(2) Every pound keeper shall on his removal from office or on the acceptance of his resignation deliver such pound book to the person who may be appointed to receive it. No. 21 of 1897, s. 17 ; No. 34 of 1898, s. 9. and handed over to successor

**20.** Every pound keeper shall at his own cost keep the Pounds to be

kept clean

pound to which he is appointed clean and in good repair and shall supply the animals impounded therein with sufficient and wholesome food and water and the pound keeper may send such animals out of his pound at fit times and to fit places for grazing or watering and every pound keeper shall be responsible to the owner of any impounded animals for every loss or damage occasioned by any act of himself or his agent. No 21 of 1897, s. 18.

Returns to be made

**21.** Every pound keeper shall make such return to the minister relating to the impounding of animals in his pound as may from time to time be required by the minister. No. 21 of 1897, s. 19.

#### PAYMENT OF CHARGES ON IMPOUNDED ANIMALS.

Charges to be payable to pound keeper

**22.** All charges payable in respect of any impounded animal shall be payable in the first instance to the pound keeper, who shall hold the same subject to the provisions of this Ordinance for the person entitled thereto. No. 21 of 1897, s. 20(1).

Penalty for improper impounding

**23.** No charges or claim for damage done shall be payable to or recoverable by any person in respect of the trespass of or damage done by any animal, who shall impound or detain such animal for upwards of three days in any place not being a pound within the meaning of this Ordinance. No. 21 of 1897, s. 20 (2); No. 34 of 1898, s. 10.

Animals may be released before impounding

**24.** Whenever any animal has been captured or distrained by any person under any of the provisions of this Ordinance for the purpose of impounding the same, if the owner of the animal or some person on his behalf pay or tender to the person seizing or having charge of such animal before the same has been actually impounded the charges for which such animal has then become liable under this Ordinance, the person having charge of such animal shall forthwith deliver up the same to the owner or the person tendering the said charges on his behalf. No. 21 of 1897, s. 21.

Pound keeper to detain all animals impounded

**25.** Every pound keeper shall receive and detain in his custody any animal lodged in his pound until the damages for which such animal was impounded and all lawful fees and charges shall be paid or until he shall receive notice of the decision of the justice as hereinafter provided. No. 21 of 1897, s. 22; No. 34 of 1898, s. 11.

#### NOTICE OF IMPOUNDING.

Notices to be given by pound keeper

**26.** If the owner of any impounded animal is known to the pound keeper, the pound keeper shall forthwith deliver at or post to the address of such owner a notice in form B in the schedule hereto.

(2) In case such owner is not known or such owner or person notified shall not within three days after the posting or delivery

of such notice appear at the pound and release the animal so impounded by the payment of the lawful fees, mileage rates and claim for damages, the pound keeper shall forward to the department for insertion in two consecutive issues of the official gazette a notice in form B in the schedule hereto. No. 21 of 1897, s. 23.

**27.** Every pound keeper shall without charge therefor in addition to any copies of any notice which he may be required under this Ordinance to post or deliver post a copy of every such notice in a conspicuous place at his pound and shall keep and maintain such notice at his pound during the whole of such time such notice may refer to. No. 21 of 1897, s. 24.

Copies of all notices to be posted at pound

#### SALE OF IMPOUNDED ANIMALS.

**28.** When any animal shall not have been released from the pound within twenty days after the notice has been inserted in the official gazette as in section 26 hereof mentioned the said animal shall be sold by public auction after notice of such sale shall have been posted for eight days in three conspicuous places within the pound district (one of which shall be the post office nearest the pound); and at such sale the pound keeper shall be the auctioneer and such sale shall be held at the pound and shall commence at the hour of two o'clock in the afternoon and the pound keeper shall neither in person nor by his agent purchase any animal at such sale or have any interest of any kind in any animal so purchased. No. 21 of 1897, s. 25; No. 34 of 1898, s. 12.

When impounded animals may be sold  
Pound keeper not to have interest in sale

**29.** If more than one animal is impounded on any distress and the owner thereof is known the pound keeper shall not sell any more of such animals after he has realised from the sales sufficient to satisfy the claims for damages, expenses and fees chargeable against the animals, and the owner of the animals shall be entitled to those remaining unsold.

When animals may not be sold

(2) If the owner of the animals is unknown the pound keeper shall sell all the animals impounded.

(3) The pound keeper shall immediately after such sale send to the department a description of the animal or animals sold, the date of sale, the amount realised and the disposition thereof. No. 21 of 1897, s. 26; No. 34 of 1898, s. 13.

**30.** No pound keeper making a sale under the provisions of any Ordinance shall be liable to a penalty for selling without a license as an auctioneer. No. 21 of 1897, s. 27.

Pound keeper need not be licensed as auctioneer

#### PROCEEDS OF SALE, HOW DISPOSED OF.

**31.** The proceeds of the sale of any impounded animal sold under the provisions of this Ordinance shall be applicable in payment—

Disposal of proceeds of sale

- (a) Of any costs and charges attending such sale;
- (b) Of all sustenance fees;

(c) To the impounder of such animal of the amount due to him for mileage charges and for the damage done ; and the residue if any shall be paid to the owner of such animal or (if not claimed at the time of sale by any person entitled thereto) to the minister. No. 21 of 1897, s. 28.

Owner's claim  
to net proceeds

**32.** Any money paid to the minister under the provisions of the section next preceding shall be paid over to the owner of the animal sold on evidence (satisfactory to the minister or other officer appointed to examine into the same) being furnished and application therefor being made to the Lieutenant Governor within twelve months from the date of the sale ; otherwise such money shall form part of the general revenue fund. No. 21 of 1897, s. 29.

#### COMPLAINTS OF OWNER.

What action  
may be taken  
by owner

**33.** The owner of any impounded animal may give notice in writing to the pound keeper that he intends to complain to a justice against the person impounding such animal ; and upon receipt of such notice and on deposit with the pound keeper of the amount claimed for damages together with the pound and other authorised fees and charges the pound keeper shall release such animal and shall retain such amount subject to the order of the justice as hereinafter provided.

How  
complaint  
shall be  
formulated

(2) Such complaint may be upon one of the following grounds—

- (a) That the impounding was illegal ; or
- (b) That the damages claimed are excessive ; or
- (c) That the impounding was illegal but that in any event the damages are excessive ;

but the justice shall not inquire into any complaint notice of which has not been given. No. 21 of 1897, s. 30.

Hearing of  
complaint

**34.** Within ten days after giving the notice in the last preceding section mentioned the owner may lodge his complaint as set forth in the notice with a justice of the peace who thereupon shall institute the like proceedings as are authorised under part LVIII of *The Criminal Code 1892* for justices making orders for the payment of money ; and upon hearing the complaint the justice may determine the matter of such complaint ; and if the justice—

1. Adjudges that the animal impounded was illegally impounded as claimed the justice shall order the said animal (if not released) to be restored to the owner or (if released) the money deposited with the pound keeper to be repaid and in either event the justice shall order the impounder to pay the costs of the proceedings and all fees the pound keeper is lawfully entitled to ; or

2. Finds on a complaint laid as in clause (b) of subsection 2 of the last preceding section the amount of damages the im-

pounder has sustained to be less than claimed then the justice shall order the excess and the owner's costs of the proceedings to be paid to the owner by the pound keeper out of the money paid in by the owner; and if no money has been paid in by the owner the justice shall order the payment forthwith of the amount of the damages so fixed less the costs of the proceedings and in default of such payment the animal impounded shall be sold and the proceeds applied as directed by this Ordinance; or

3. Adjudges that the animal impounded was legally impounded or that the amount of the damage sustained was not less than the amount claimed by the impounder then the justice shall make an order for the payment forthwith of the amount claimed and all pound and other authorised fees together with the costs of the proceedings; and in default of such payment the animal impounded shall be sold and the proceeds applied as directed by this Ordinance; or

4. Finds on a complaint laid as in clause (c) of subsection 2 of the last preceding section that the animal was legally impounded but the damages sustained by the impounder were less than claimed the justice shall make an order as directed by paragraph 2 of this section but shall not allow costs to either party and proceedings shall be taken on any such order as provided in such paragraph. No. 21 of 1897, s. 31; No. 34 of 1898, s. 14.

**35.** Nothing in this Ordinance contained shall deprive the owner of any animal impounded of any action, remedy or right that he may have at common law or otherwise by reason of the same being unlawfully seized, distrained or impounded: Owner's remedies at common law

Provided always that if any action be brought against a pound keeper for anything done by him under this Ordinance he may plead not guilty to such action; and if on the trial of such action it is made to appear that the said pound keeper on demand being made on him therefor gave to the plaintiff or his agent the name of the person who drove the animal to the pound and that he in all respects acted within his duties and powers as such pound keeper judgment shall then be given for him with costs. No. 21 of 1897, s. 32; No. 34 of 1898, s. 15. Proviso

**36.** Nothing herein contained shall prevent the owner of any lands trespassed upon or of any property destroyed from waiving the rights created by this Ordinance and bringing his action in any competent court in consequence of any trespass. Damages may be claimed by action in competent court  
No. 21 of 1897, s. 33.

#### OFFENCES AND PENALTIES THEREFOR.

**37.** If any pound keeper—

1. Impounds or assists or incites or employs any person to impound any animal in any district unless such animal was an estray or was trespassing upon the pound keeper's own land in the district surrounded by a lawful fence;

Penalties poundkeepers are liable to for—  
Impounding

Purchasing  
impounded  
animals

2. Purchases in person or by his agent or has any interest of any kind in any animal sold by auction at a pound of which he is at the time of such sale the pound keeper ;

Making  
unauthorised  
charges

3. Demands or receives any sum for pound notices, sustenance and other fees and charges not authorised by this Ordinance ;

Not paying  
over moneys

4. Fails to pay over any money held by him under the provisions of this Ordinance for any person after payment of the same has been demanded by or on behalf of such person ;

Neglecting to  
care for  
impounded  
animals  
Milking cows

5. Neglects to provide food and water for any animal or works or uses the same in any manner while so impounded :

Provided that no pound keeper shall be liable for any penalty for milking or allowing to be milked any cow while such cow is impounded ;

Not keeping  
books

6. Omits or neglects to keep books and to make entries therein as required by this Ordinance or makes any incorrect or untrue entry in such books ;

Impounding  
healthy with  
diseased  
animals

7. Allows any animal infected with any contagious or infectious disease to be in the same inclosure with any impounded animal not so affected :

Not giving  
proper notice  
Causing  
damage  
by neglect

8. Fails to give any notice required by this Ordinance ;

9. Neglects to do anything required by this Ordinance to be done whereby damage is incurred by any person ;  
he shall in addition to any civil liability which he may incur by reason thereof be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100. No. 21 of 1897, s. 34 ; No. 34 of 1898, ss. 16, 17.

Burden of  
proof that  
animals are  
cared for, on  
pound keeper

**38.** When any pound keeper is charged with neglecting to provide sustenance for any animal impounded the burden of proving that proper sustenance was provided for such animal shall be on such pound keeper and when any pound keeper is charged with losing any impounded animal through negligence if it be proved that such animal was impounded in the custody of such pound keeper such animal shall be deemed to have been lost through his negligence unless such pound keeper shall prove the contrary. No. 21 of 1897, s. 35.

Penalties

**39.** If any person commit any of the next following offences he shall on summary conviction thereof before a justice of the peace be liable to a penalty not exceeding \$100 :

Rescuing  
impounded  
animal

1. Rescues or attempts to rescue or interferes with any animal impounded or seized for the purpose of being impounded ;

Destruction  
of pound

2. Destroys or injures or attempts to destroy or injure any pound ;

Illegal  
impounding  
Causing  
animal to  
trespass

3. Illegally impounds any animal ;

4. Leaves open any gate or lets down any bars or makes a gap in any fence for the purpose of permitting any animal to trespass or otherwise causes any animal to trespass. No. 21 of 1897, s. 36.



## FEES.

**40.** The following and no other shall be the fees authorised by this Ordinance in connection with animals impounded with-<sup>Authorised fees</sup> in any pound district :

1. To the proprietor of any land trespassed upon or other property injured by any animal or the proprietor capturing any estray for driving and delivering such animal to the pound keeper his reasonable expenses ;<sup>Expenses for driving animal to pound</sup>

2. To such proprietor for capturing and impounding any stallion of the age of one year and upwards or any bull of the age of nine months and upwards a fee of \$5 ;<sup>Capturing stallion or bull</sup>

3. To such proprietor for any damage done by any animal an amount not to exceed that mentioned in the statement of claim delivered to the owner or pound keeper with the animal when impounded ;<sup>Damages</sup>

4. To such proprietor for notifying the owner or for every day any animal is lawfully detained before being placed in pound such fees for making such notification and for the sustenance of such animal as a pound keeper may be authorised to charge for like services ;<sup>Giving notice or for temporary impounding</sup>

5. To the pound keeper to provide for the care and sustenance of each animal for each day such animal is impounded as follows :<sup>Sustenance of impounded animals</sup>

For each stallion or bull twenty-five cents ;

For each other horse, mule, jack, head of cattle or swine fifteen cents ;

For each sheep, goat or goose five cents ;

6. To the pound keeper for notifying owner of animal impounded ten cents.<sup>Notice to owner</sup>

7. To the pound keeper for forwarding notification to department for insertion in the official gazette ten cents ;<sup>Notice to department</sup>

8. To the pound keeper for posting notices of animals impounded each such notice to include all animals impounded at one distress or seizure \$1 and the actual cost of newspaper advertising not to exceed \$1 when incurred ;<sup>Notices posted in district Advertising</sup>

9. To the pound keeper for posting notices of sale each such notice to include all animals impounded at one distress or seizure \$1 ;<sup>Notices of sale</sup>

10. To the pound keeper for each mile necessarily travelled in the performance of his duty ten cents ;<sup>Mileage</sup>

11. To the pound keeper for selling impounded animals and applying the proceeds as directed by this Ordinance \$2.50 per centum commission upon the amount realised on the sale. No. 21 of 1897, s. 37 ; No. 34 of 1898, s. 18.<sup>Sale charges</sup>

SCHEDULE.

FORM A.

To the Lieutenant Governor in Council.

We, the undersigned, being proprietors of land as defined by clause 9 of section 2 of *The Pound District Ordinance* in (*here describe the district proposed to be constituted as a pound district*) hereby record our objection to the provisions of the said Ordinance being enforced within the said District:

| NAME | LAND OWNED OR OCCUPIED. |         |          |       |               |
|------|-------------------------|---------|----------|-------|---------------|
|      | Quarter                 | Section | T'wnship | Range | West Meridian |
|      |                         |         |          |       |               |
|      |                         |         |          |       |               |
|      |                         |         |          |       |               |
|      |                         |         |          |       |               |
|      |                         |         |          |       |               |
|      |                         |         |          |       |               |
|      |                         |         |          |       |               |
|      |                         |         |          |       |               |
|      |                         |         |          |       |               |

I, A.B., of (*post office address*) do solemnly declare :

1. That the total number of persons in the area described in the foregoing statement of objection being holders or occupiers of land under whatever tenure, or superintendents, overseers or other duly authorised persons acting for or on behalf of such holders or occupiers is (*here insert the total number of proprietors in the proposed pound district as defined by clause 9 of section 2 of The Pound District Ordinance*);

2. That I was personally present and did see each of the (*number of persons signing the statement*) persons whose names are subscribed thereto sign the said statement;

3. That each of the (*number of persons signing the statement*) persons signing the statement is qualified to do so by virtue of being the holder or occupier of land under whatever tenure, or a superintendent, overseer or other duly authorised person acting for or on behalf of such holder or occupier of land within the proposed pound district;

4. That each person signing the said statement before so doing was cognisant of the contents thereof;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

(*Signature of person making declaration.*)

Declared before me )  
at )  
this day )  
of 1 )

(*Signature of person administering declaration.*)

FORM B.

To *(name of owner or Department of Agriculture as the case may be.)*

Notice is hereby given under section 26 of *The Pound District Ordinance* that *(description of animal impounded)* was impounded in the pound kept by the undersigned on the *(description of quarter section or other place where pound is located)* on            day the            day of            1            .  
*(Signature of pound keeper.)*

## CHAPTER 80.

### An Ordinance respecting Estray Animals.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Stray Animals Ordinance.*" No. 20 of 1897, s. 1.

#### INTERPRETATION.

- 2.** In this Ordinance unless the context otherwise requires—
- "Department"      **1.** The expression "department" means the department of agriculture ;
- "Minister"      **2.** The expression "minister" means the member of the Executive Council to whom is assigned from time to time the duty of administering the department of agriculture ;
- "Cattle"      **3.** The expression "cattle" means any bull, cow, ox, heifer steer or calf ;
- "Horses"      **4.** The expression "horse" means any horse, mare, gelding, colt, filly, ass or mule ;
- "Sheep"      **5.** The expression "sheep" means any ram, ewe, wether or lamb ;
- "Animal"      **6.** The expression "animal" means any head of cattle, horse, sheep, goat, swine or goose ;
- "Estray"      **7.** The expression "estrays" means any animal found on the premises or in the herd, band or flock of any person other than its owner ;
- "Justice"      **8.** The expression "justice" means any justice of the peace ;
- "Owner"      **9.** The expression "owner" means any person owning any animal or agent or overseer of any such owner ;
- "Finder"      **10.** The expression "finder" means any person who finds he has an estray on his premises or in his band, herd or flock ;
- "Running at large"      **11.** The expression "run at large" or "running at large" means without being under control of the owner either by being in direct or continuous charge of a herder or by confinement within any building or other inclosure or a fence whether the same be lawful or not. No. 20 of 1897, s. 2.

#### PROCEDURE.

- Where owner is known      **3.** Any person who finds he has on his premises or in his band, herd or flock any estray animal (other than a stallion or bull) the owner of which is known to him, which cannot be driven away from such premises, band, herd or flock shall at

once notify such owner through the mail and such owner within ten days after being so notified shall remove his animal from such premises, band, herd or flock. No. 20 of 1897, s. 3.

**4.** Any person who finds he has on his premises or in his band, herd or flock any estray animal (other than a stallion or bull) the owner of which is unknown to him, which cannot be driven away from such premises, band, herd or flock, or any such animal the owner of which is known to him which is not removed from the said premises, band herd or flock within ten days after such owner has been notified as provided in the section next preceding, shall at once forward to the department a notice to the effect that such animal is on his premises or in his band, herd or flock (as the case may be) which notice shall contain the name, location and post office address of the finder and a full description of the animal with all its marks (natural or artificial) colour and probable age with any other remark which may lead to its identification; and such notice shall be published for two consecutive insertions in the official gazette and a copy of each issue containing such notice shall be forwarded to every post office and every post of the North-West Mounted Police in the Territories and a copy of the same shall be forwarded with every copy of the said gazette.

Where owner is not known or where owner does not remove animal  
Notice to be given

(2) In addition to the notice forwarded for insertion in the said gazette the finder of any such animal as is described in the first subsection to this section may cause a copy of the notice to be inserted in three successive weekly issues of the nearest newspaper and any expenditure (not exceeding the sum of \$1) made for such advertising shall be reimbursed to the finder by the owner when the animal is claimed or, if not claimed, by the justice after the sale of such animal upon proof of such expenditure having been made. No. 20 of 1897, s. 4.

Advertising

**5.** The owner of any such estray animal shall be entitled to recover the same from any person in whose possession it may be upon tender of the amount of the expenses incurred up to the time of such tender from the day on which notice was given of the finding of the animal.

Owner may recover animal on tender of expenses

(2) Such expenses shall consist of the sums prescribed by this Ordinance for the keep of such animal and the amount expended in advertising the same, and no other; and if it is made to appear in any proceedings taken for the recovery of any such estray animal that tender was made to the finder by or on behalf of the owner of the animal of the amount of the expenses to which the said finder is lawfully entitled and that such tender was refused, the finder shall thereby forfeit all claim to such expenses in addition to any other penalty to which he may be liable. No. 20 of 1897, s. 5.

What expenses are allowed

**6.** In case the owner of such animal and the finder are unable to agree as to the amount of such expenses they shall forthwith proceed in the following manner: both parties at any time within three days shall appear before the nearest accessible justice to the place where the animal was found or

Settlement of disputes as to expenses

such other justice as the parties may mutually agree to appear before and upon hearing the statements of the parties upon oath or otherwise as to the justice shall seem advisable such justice shall determine the amount of the expenses payable in the matter and such determination of the justice shall be final and conclusive between the parties.

Justice's fee  
for settlement  
of disputes

(2) Such justice shall be entitled to a fee of \$1 for determining such expenses which shall be paid by the party against whose contention the justice determines.

Penalty for  
default of  
payment of  
expenses

(3) In default of the payment of the expenses so determined and the justice's fee as aforesaid within a time to be stated by the justice, the justice shall sell or cause such animal to be sold by public auction either by the nearest accessible pound keeper or by any person authorised by him in writing to sell such animal and such justice out of the proceeds of such sale shall first pay the expenses of sale and advertising and justice's fees and then the costs of keeping (if any are allowed) to the finder and the balance to the owner (if known), otherwise to the minister.

Report to  
department

(4) The justice of the peace shall immediately after the sale send to the department a description of the animal or animals sold, the date of sale, the amount realised and the disposition thereof. No. 20 of 1897, s. 6; No. 35 of 1898, s. 1.

Payment  
of proceeds

7. Any money paid to the minister under the provisions of the section next preceding shall be paid over to the owner of the animal sold on evidence (satisfactory to the minister or other officer appointed to examine into the same) being furnished and application therefor being made to the Lieutenant Governor within twelve months from the date of the sale otherwise such money shall form part of the general revenue fund. No. 20 of 1897, s. 7.

When animal  
may be sold

8. If such estray animal is not claimed within six months after the date of the first publication of the notice provided for in section 4 of this Ordinance the finder at any time thereafter may make application to a justice in form A in the schedule hereto verified under oath before the said justice and the said justice may proceed to sell the animal and deal with the proceeds in the manner provided in subsection 3 of section 6 of this Ordinance. No. 20 of 1897, s. 8; No. 35 of 1898, s. 2.

Procedure  
at sale

9. At the time and place appointed for the sale of any estray animal the finder shall attend with such animal and shall with the animal present a statement of the fees for keeping and expenses incurred in connection with such animal to the justice or other person authorised by the justice to offer the animal for sale. No. 20 of 1897, s. 9.

#### FEES.

Authorised  
fees

10. The following and no other shall be the fees and expenses authorised in respect of estray animals sold under the provisions of this Ordinance :

*To the Finder.*

For the care and sustenance of every head of cattle during the months of November, December, January, February, March and April not exceeding five cents per diem ;

For every head of swine not exceeding ten cents per diem for their support ;

For every goat, goose or sheep not exceeding five cents per diem ;

For cost of advertising in a newspaper if expenditure has been incurred \$1.

*To the Justice.*

For preparing and posting notices of sale \$1 ;

For preparing the application and administering oath \$1.

*To the Salesman.*

For selling any animal \$2.50 per centum commission on the amount realised by such sale :

Provided always that no costs for keep shall be allowed against any animal prior to the date of the notice given to the owner or in the official gazette or after the last day of April in any year. No. 20 of 1897, s. 10.

## OFFENCES AND PENALTIES.

**11.** If any person commit any of the next following offences Penalty he shall on summary conviction thereof before a justice of the peace be liable to a penalty not exceeding \$100 :

1. Takes, rides or drives off any horse or head of cattle be- Offences longing to another without the owner's consent ;

2. When taking his own animal from pasture, without the owner's consent takes or drives off the animal of any other person grazing with his own ;

3. Causes or allows any horse or head of cattle belonging to another party (without consent of such party) to be driven with his band or herd more than five miles from its grazing place :

Provided that if the owner of any animal in taking it from pasture finds it necessary to drive other animals a greater distance than five miles before he can separate his own animal from among them, he shall not be liable to the penalties imposed by this section if he at once drives back such animals to the place from which he drove them ;

4. Demands or receives any sum for keep of any animals or any fee or charge not authorised by this Ordinance ;

5. Neglects to provide sustenance for any estray animal while such animal is to his knowledge upon his premises or in his band, herd or flock ;

6. Rescues, incites or attempts to rescue any animal without payment of the fees due for keep and other expenses incurred by the finder on account of such animal ;

7. Rides, drives or otherwise works or uses for his own pleasure or benefit any estray horse or ox captured or detained under any of the provisions of this Ordinance ;

8. Neglects to promptly notify the owner (if such owner is known) or if such owner after due notification does not take away his animal or (if such owner is not known) neglects to forward the notice provided for in section 4 of this Ordinance to the department on finding an estray animal on his premises or in his band, herd or flock ;

9. Being the finder purchases in person or by his agent or has any interest of any kind in any animal sold under the provisions of this Ordinance. No. 20 of 1897, s. 11.

12. Nothing in the preceding section shall prevent the owner of any animal taken, ridden or driven off, improperly treated or worked as aforesaid, bringing a civil action for damages in addition to any penalty imposed hereunder. No. 20 of 1897, s. 11.

No rights  
impaired

13. Nothing in this Ordinance relating to estray animals shall impair the rights, powers or procedure given under any Ordinance respecting the seizure, driving, impounding or selling animals running at large or doing damage. No. 20 of 1897, s. 12.

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## SCHEDULE.

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### FORM A.

To *A B.* a justice of the peace in and for the North-West Territories.

The applicant avers that on the \_\_\_\_\_ day of \_\_\_\_\_ 1\_\_\_\_\_, (*naming the date of capture*) he found a (*description of animal found*) on his premises (*or band, herd or flock as the case may be*) ;

That he is unable to drive such animal away from his premises (*or band, herd or flock as the case may be*) ;

That he has given the notices required by *The Stray Animals Ordinance* ;

That the notice was published in the issue of the official gazette dated (*date of first issue of gazette containing notice*) ;

That six months have elapsed without the said animal having been released by the payment to the applicant of the moneys he is entitled to be paid under the provisions of the said Ordinance ;



That the applicant prays that the said animal may be sold at a time not earlier than the eighth day after the date of this notice.

*(Signature of captor.)*

I (*name of finder*) the applicant above named make oath and say that the facts set forth in the above application are true in substance and fact.

*(Signature of captor.)*

Sworn before me  
at  
this                      day  
of                      1

A.B., J.P.

## CHAPTER 81.

### An Ordinance respecting the Herding of Animals.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      1. This Ordinance may be cited as "*The Herd Ordinance.*" No. 19 of 1897, s. 1.

#### INTERPRETATION.

2. In this Ordinance unless the context otherwise requires---

- "Department"      1. The expression "department" means the department of agriculture ;
- "Minister"      2. The expression "minister" means the member of the Executive Council to whom is assigned from time to time the duty of administering the department of agriculture ;
- "Animal"      3. The expression "animal" means any horse, mule, jack, sheep, goat, neat cattle, or swine ;
- "Trespasser"      4. The expression "trespasser" means any animal doing damage in the herd district in the manner mentioned in section 6 of this Ordinance ;
- "Pound keeper"      5. The expression "pound keeper" means the person for the time being in the authorised charge of any pound ;
- "Justice"      6. The expression "justice" means any justice of the peace ;
- "Proprietor"      7. The expression "proprietor" means the owner of any cultivated land or stack of grain or hay or the person having a permit or license to cut hay or any superintendent, overseer, servant or other person acting for and on behalf of such owner or person ;
- "Owner"      8. The expression "owner" means any person owning any animal or any agent or overseer of any such owner ;
- "Distrainer"      9. The expression "distrainer" means any person seizing or distraining any trespasser ;
- "Running at large"      10. The expression "run at large" or "running at large" means without being under control of the owner either by being securely tethered or in direct and continuous charge of a herder or by confinement within any building or other enclosure or a fence whether the same be lawful or not ;
- "Herd district"      11. The expression "herd district" means the portion or portions of the Territories to which the provisions of section 6 of this Ordinance have been declared to apply in the manner provided in sections 3 and 4 of this Ordinance. No. 19 of 1897, s. 2 ; No. 36 of 1898, ss. 2, 3.

## ORGANISATION OF HERD DISTRICTS.

**3.** The Lieutenant Governor in Council may by Order made public by notice in the official gazette declare that the provisions of section 6 of this Ordinance shall apply to any part of the provisional district of Assiniboia lying to the east of range 17 west of the third meridian in the Dominion Lands system of survey or any part of the provisional district of Saskatchewan not within the limits of any pound district and being not less than 144 square miles in area; and thereafter the Lieutenant Governor in Council by Order made public in like manner may enlarge such district by adding thereto any adjoining area or may cancel the Order or Orders constituting such district or any part of such district. No. 19 of 1897, s. 3.

What districts may be organised and how

**4.** Before making any such declaration a notice of intention to do so shall be published in the official gazette and posted in at least one post office in each township within that part of the Territories to be affected by such recommendation or if there be no post office in such township then in the post office nearest thereto at least thirty days prior to making such recommendation.

Notice to be given

(2) Such notice shall be addressed to the post master at such post office inclosed in a registered cover; and all the requirements of this Ordinance respecting the posting of notices shall be held to be completed at the expiration of twenty-four hours after the first mail carrying such notice is scheduled to reach the post office to which the notice is directed.

How

(3) If at any time within thirty days after such notice is posted objection is made by a majority of the proprietors of land within such proposed district in form A in the schedule hereto, the facts stated in such objection and the signatures thereto being verified by statutory declaration, the proposed declaration shall not be made with respect to such district; but if no such objection is made within thirty days from the posting of the notice the proposed declaration may be made as hereinbefore provided. No. 19 of 1897, s. 4.

Objections, how to be made

## OPERATION OF ORDINANCE.

**5.** The provisions of section 6 of this Ordinance shall apply in the herd district between the fifteenth day of May and the thirtieth day of October, both days inclusive, in each year and shall commence to take effect in any area brought under the operation of the said section after the passing of this Ordinance on, from and after the fourteenth day after the date of the issue of the official gazette containing the notification of such area being brought under the provisions of the said section 6 in the manner hereinbefore provided. No. 19 of 1897, s. 5.

When Ordinance shall operate

**6.** Any proprietor may distrain any animal in the herd district within any period in which this section is in force in such district which is doing damage upon his cultivated land

Actions for the doing of which animals may be impounded

or stacks of grain or hay or upon any slough growing hay in his possession or with respect to which he has a permit or license to cut hay; and when any such distress is made the distrainor may drive and deliver the animal distrained to the nearest accessible pound keeper in the herd district and the said pound keeper shall impound such animal and shall be responsible for the feed and safe keeping thereof so long as he is legally bound to hold the same and such pound keeper is empowered to collect the amount of the damage caused by and all the charges for the keeping and other incidental expenses connected with such animal before delivering up the same to the owner; and it shall be the duty of the distrainor to leave with the pound keeper a statement in writing describing the animal distrained, the name of the owner (if known), the place where such distraint was made, the extent of the damage and the amount of the claim therefor and of his reasonable charges incurred in driving such animal to and delivering the same to the pound keeper. No. 19 of 1897, s. 6; No. 36 of 1898, s. 4.

Stallions or  
bulls in herd  
district

7. No procedure under *The Entire Animals Ordinance* shall be taken with respect to stallions or bulls in any herd district, but if the proprietor of any land in any herd district captures any stallion or bull running at large within such herd district he shall drive such stallion or bull to and deliver the same at the nearest accessible pound in the said herd district whether the owner of such stallion or bull be known to the captor or not; and such stallion or bull shall be dealt with in every way as a trespasser may be dealt with under this Ordinance:

Proviso

Provided that the owner of any stallion or bull, who after receiving a notice signed by a justice of the peace that such stallion or bull is running at large contrary to the provisions of this Ordinance and requiring such owner to capture and confine the same neglects or refuses within forty-eight hours to comply with such notice, shall be guilty of an offence and liable on summary conviction thereof before a justice of the peace to a penalty of \$5 for every day after the expiration of the time mentioned in said notice the stallion or bull is at large. No. 19 of 1897, s. 7.

Animal to  
be placed in  
authorised  
pound

8. Any proprietor who shall impound any animal in any pound or place not authorised by this Ordinance shall be guilty of an offence and upon summary conviction thereof before a justice of the peace be liable to a penalty not exceeding \$20.

Temporarily  
impounded

(2) Any such proprietor upon whose property any animal is found trespassing may (if he know its owner) temporarily impound the same in any convenient place for a period not exceeding three days and shall within twenty-four hours after such impounding deliver to such owner a written memorandum in like manner as it is hereinbefore enacted shall be delivered to a pound keeper with any trespasser impounded in his pound; and shall feed and maintain such animal so impounded; and may at the expiration of such time (if not sooner duly released) deliver it to the keeper of the nearest accessible pound; and

such proprietor may make a charge for feeding and maintaining such animal and for sending notice not exceeding such as might by law be made by a pound keeper, but shall not be entitled to any compensation for damage except for such as was done before the temporary impounding. No. 19 of 1897, s. 8.

#### APPOINTMENT OF POUND KEEPERS.

**9.** In any herd district the minister may appoint one or more pound keepers therefor and notice of every such appointment shall be published in the official gazette, describing the name and post office address of such pound keeper and the location of the pound : Pound keepers to be appointed by the minister

Provided that all pounds established or pound keepers appointed therefor at the time of the passing of this Ordinance shall be deemed to be the pounds established and the pound keepers appointed under the provisions of this Ordinance and subject to the provisions thereof. No. 19 of 1897, s. 9. Proviso

**10.** Every appointment of a pound keeper made under the provisions of this Ordinance shall terminate on the thirty-first day of December in each year but all pound keepers so appointed may at the expiry of each period of twelve months be eligible for reappointment. All appointments to terminate on December 31 annually

(2) Any pound keeper wishing to resign his appointment may do so but no such resignation shall take effect until a successor to such pound keeper is appointed. No. 19 of 1897, s. 10. Resignation of poundkeeper

**11.** Every notice of the appointment or removal of any pound keeper or the establishment or abolition of any pound published in the official gazette of the Territories shall be evidence that such pound keeper or pound has been legally appointed, removed, established or abolished as in the said notice is mentioned. No. 19 of 1897, s. 12. Publication of notices

#### DUTIES OF POUND KEEPERS.

**12.** Every pound keeper shall keep a pound book in a form to be prescribed by the minister from time to time and shall make all entries therein as soon after the doing of the several things required to be entered therein as possible and shall not make any entry after any dispute as to the subject matter of such entry shall have arisen ; and the said pound book and a copy of this Ordinance which the pound keeper is hereby required to keep shall at all reasonable times be open to the inspection of any justice or member of the North-West Mounted Police force free of charge and of any other person upon payment of the sum of ten cents ; and every such pound keeper shall grant extracts from his pound book to any person requiring the same upon payment of twenty-five cents for each extract not exceeding one hundred words and the sum of ten cents for every subsequent number of words not exceeding one hundred. Book to be kept by pound keeper

and handed  
over to  
successor

(2) Every pound keeper shall on his removal from office or on the acceptance of his resignation deliver such pound book to the person who may be appointed to receive it. No. 19 of 1897, s. 13; No. 36 of 1898, s. 6.

Pounds to be  
kept clean

**13.** Every pound keeper shall at his own cost keep the pound to which he is appointed clean and in good repair and shall supply the animals impounded therein with sufficient and wholesome food and water and the pound keeper may send such animals out of his pound at fit times and to fit places for grazing or watering and every pound keeper shall be responsible to the owner of any impounded animal for every loss or damage occasioned by any act of himself or his agent. No. 19 of 1897, s. 14.

Returns to  
be made

**14.** Every pound keeper shall make such return to the minister relating to the impounding of animals in his pound as may from time to time be required by him. No. 19 of 1897, s. 15.

#### PAYMENT OF CHARGES ON IMPOUNDED ANIMALS.

Charges to  
be payable to  
pound keeper

**15.** All charges payable in respect of any impounded animal shall be payable in the first instance to the pound keeper who shall hold the same subject to the provisions of this Ordinance for the person entitled thereto. No. 19 of 1897, s. 16 (1).

Penalty for  
improper  
impounding

**16.** No charges or claim for damage done shall be payable to or recoverable by any person in respect of the trespass of or damage done by any animal who shall impound or detain such animal for upwards of three days in any place not being a pound within the meaning of this Ordinance. No. 19 of 1897, s. 16 (2); No. 36 of 1898, s. 7.

Animal may  
be released  
before  
impounding

**17.** Whenever any animal has been captured or distrained by any person under any of the provisions of this Ordinance for the purpose of impounding the same if the owner of the animal or some person on his behalf pay or tender to the person seizing or having charge of such animal before the same has been actually impounded the charges for which such animal has then become liable under this Ordinance, the person having charge of such animal shall forthwith deliver up the same to the owner or the person tendering the said charges on his behalf. No. 19 of 1897, s. 17.

Pound keeper  
to detain all  
animals  
impounded

**18.** Every pound keeper shall receive and detain in his custody any animal lodged in his pound until the damages for which such animal was impounded and all lawful fees and charges shall be paid or until he shall receive notice of the decision of the justice as hereinafter provided. No. 19 of 1897, s. 18; No. 36 of 1898, s. 8.

#### NOTICE OF IMPOUNDING.

Notices to be  
given by  
pound keeper

**19.** If the owner of any impounded animal is known to the pound keeper the pound keeper shall forthwith deliver at or

post to the address of such owner a notice in form B in the schedule hereto.

(2) In case such owner is not known or such owner or person notified shall not within three days after the posting or delivery of such notice appear at the pound and release the animal so impounded by the payment of the lawful fees, mileage rates and claim for damages the pound keeper shall forward to the department for insertion in two consecutive issues of the official gazette a notice in form B in the schedule hereto. No. 19 of 1897, s. 19.

**20.** Every pound keeper shall without charge therefor in addition to any copies of any notice which he may be required under this Ordinance to post or deliver, post a copy of every such notice in a conspicuous place at his pound and shall keep and maintain such notice at his pound during the whole of such time such notice may refer to. No. 19 of 1897, s. 20.

Copies of all notices to be posted at pound

#### SALE OF IMPOUNDED ANIMALS.

**21.** When any animal shall not have been released from the pound within twenty days after the notice has been inserted in the official gazette as in section 19 mentioned the said animal shall be sold by public auction after notice of such sale shall have been posted for eight days in three conspicuous places within the herd district (one of which shall be the post office nearest the pound); and at such sale the pound keeper shall be the auctioneer and such sale shall be held at the pound and shall commence at the hour of two o'clock in the afternoon and the pound keeper shall neither in person nor by his agent purchase any animal at such sale or have any interest of any kind in any animal so purchased. No. 19 of 1897, s. 21.

When impounded animals may be sold

Pound keeper not to have interest in sale

**22.** If more than one animal is impounded on any distress and the owner thereof is known the pound keeper shall not sell any more of such animals after he has realised from the sales sufficient to satisfy the claims for damages, expenses and fees chargeable against the animals and the owner of the animals shall be entitled to those remaining unsold.

When animals may not be sold

(2) If the owner of the animals is unknown the pound keeper shall sell all the animals impounded.

(3) The pound keeper shall immediately after such sale send to the department a description of the animal or animals sold, the date of sale, the amount realised and the disposition thereof. No. 19 of 1897, s. 22; No. 36 of 1898, s. 9.

**23.** No pound keeper making a sale under the provisions of any Ordinance shall be liable to a penalty for selling without a license as an auctioneer. No. 19 of 1897, s. 23.

Pound keeper need not be licensed as auctioneer

#### PROCEEDS OF SALE, HOW DISPOSED OF.

**24.** The proceeds of the sale of any impounded animal sold under the provisions of this Ordinance shall be applicable in payment—

Disposal of proceeds of sale

- (a) Of any costs and charges attending such sale ;
- (b) Of all sustenance fees ;
- (c) To the impounder of such animal of the amount due to him for mileage charges and for the damage done ;
- (d) The residue if any to the owner of such animal or (if not claimed at the time of sale by any person entitled thereto) to the minister. No. 19 of 1897, s. 24.

Owner's claim  
to net proceeds

**25.** Any money paid to the minister under the provisions of the section next preceding shall be paid over to the owner of the animal sold on evidence (satisfactory to the minister or other officer appointed to examine into the same) being furnished and application therefor being made to the Lieutenant Governor within twelve months from the date of the sale ; otherwise such money shall form part of the general revenue fund. No. 19 of 1897, s. 25.

#### COMPLAINTS OF OWNER.

What action  
may be taken  
by owner

**26.** The owner of any impounded animal may give notice in writing to the pound keeper that he intends to complain to a justice against the person impounding such animal ; and upon receipt of such notice and on deposit with the pound keeper of the amount claimed for damages together with the pound and other authorised fees and charges the pound keeper shall release such animal and shall retain such amount subject to the order of the justice as hereinafter provided.

How  
complaint  
shall be  
formulated

(2) Such complaint may be upon one of the following grounds :

- (a) That the impounding was illegal ; or
- (b) That the damages claimed are excessive ; or
- (c) That the impounding was illegal but that in any event the damages are excessive ;

but the justice shall not inquire into any complaint notice of which has not been given. No. 19 of 1897, s. 26.

Hearing of  
complaint

**27.** Within ten days after giving the notice in the last preceding section mentioned the owner may lodge his complaint as set forth in the notice with a justice of the peace who thereupon shall institute the like proceedings as are authorised under part LVIII of *The Criminal Code 1892* for justices making orders for the payment of money ; and upon hearing the complaint the justice may determine the matter of such complaint ; and if the justice—

1. Adjudges that the animal impounded was illegally impounded as claimed the justice shall order the said animal (if not released) to be restored to the owner or (if released) the money deposited with the pound keeper to be repaid and in either event the justice shall order the impounder to pay the costs of the proceedings and all fees the pound keeper is lawfully entitled to : or



2. Finds on a complaint laid as in clause (b) of subsection 2 of the last preceding section the amount of damages the impounder has sustained to be less than claimed then the justice shall order the excess and the owner's costs of the proceedings to be paid to the owner by the pound keeper out of the money paid in by the owner; and if no money has been paid in by the owner the justice shall order the payment forthwith of the amount of the damages so fixed less the costs of the proceedings and in default of such payment the animal impounded shall be sold and the proceeds applied as directed by this Ordinance; or

3. Adjudges that the animal impounded was legally impounded or that the amount of the damage sustained was not less than the amount claimed then the justice shall make an order for the payment forthwith of the amount claimed by the impounder and all pound and other authorised fees together with the costs of the proceedings; and in default of such payment the animal impounded shall be sold and the proceeds applied as directed by this Ordinance; or

4. Finds on a complaint laid as in clause (c) of subsection 2 of the last preceding section that the animal was legally impounded but that the damages sustained by the impounder were less than claimed the justice shall make an order as directed by paragraph 2 of this section but shall not allow costs to either party and proceedings shall be taken on any such order as provided by such paragraph. No. 19 of 1897, s. 27; No. 36 of 1898, s. 10.

**28.** Nothing in this Ordinance contained shall deprive the owner of any animal impounded of any action, remedy or right that he may have at common law or otherwise by reason of the same being unlawfully seized, distrained or impounded: Owner's remedies at common law

Provided always that if any action be brought against a pound keeper for anything done by him under this Ordinance he may plead not guilty to such action; and if on the trial of such action it is made to appear that the said pound keeper on demand being made on him therefor gave to the plaintiff or his agent the name of the person who drove the animal to the pound and that he in all respects acted within his duties and powers as such pound keeper judgment shall then be given for him with costs. No. 19 of 1897, s. 28; No. 36 of 1898, s. 11. Proviso

**29.** Nothing herein contained shall prevent the owner of any lands trespassed upon or of any property destroyed from waiving the rights created by this Ordinance and bringing his action in any competent court in consequence of any trespass. Damages may be claimed by action in competent court  
No. 19 of 1897, s. 29.

#### OFFENCES AND PENALTIES THEREFOR.

**30.** If any pound keeper—

1. Impounds or assists or incites or employs any person to impound any animal in any district unless such animal was doing damage on the pound keeper's own property as described in section 6 of this Ordinance; Penalties pound keepers are liable to for— Impounding

Purchasing  
impounded  
animals

2. Purchases in person or by his agent or has any interest of any kind in any animal sold by auction at a pound of which he is at the time of such sale the pound keeper ;

Making  
unauthorised  
charges

3. Demands or receives any sum for pound notices, sustenance and other fees and charges not authorised by this Ordinance ;

Not paying  
over moneys

4. Fails to pay over any money held by him under the provisions of this Ordinance for any person after payment of the same has been demanded by or on behalf of such person ;

Neglecting to  
care for  
impounded  
animals  
Milking cows

5. Neglects to provide food and water for any animal or works or uses the same in any manner while so impounded :

Provided that no pound keeper shall be liable for any penalty for milking or allowing to be milked any cow while such cow is impounded ;

Not keeping  
books

6. Omits or neglects to keep books and to make entries therein as required by this Ordinance or makes any incorrect or untrue entry in such books ;

Impounding  
healthy with  
diseased  
animals

7. Allows any animal affected with any contagious or infectious disease to be in the same inclosure with any impounded animal not so affected ;

Not giving  
proper notice

8. Fails to give any notice required by this Ordinance ;

Causing  
damage by  
neglect

9. Neglects to do anything required by this Ordinance to be done whereby damage is incurred by any person ;

he shall in addition to any civil liability which he may incur by reason thereof be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100. No. 19 of 1897, s. 30 ; No. 36 of 1898, ss. 12, 13.

Burden of  
proof that  
animals are  
cared for, on  
pound keeper

**31.** When any pound keeper is charged with neglecting to provide sustenance for any animal impounded the burden of proving that proper sustenance was provided for such animal shall be on such pound keeper, and when any pound keeper is charged with losing any impounded animal through negligence if it be proved that such animal was impounded in the custody of such pound keeper such animal shall be deemed to have been lost through his negligence unless such pound keeper shall prove the contrary. No. 19 of 1897, s. 31.

Penalties

**32.** If any person commit any of the next following offences he shall on summary conviction thereof before a justice of the peace be liable to a penalty not exceeding \$100 :

Rescuing  
impounded  
animal

1. Rescues or attempts to rescue or interferes with any animal impounded or seized for the purpose of being impounded ;

Destruction  
of pound

2. Destroys or injures or attempts to destroy or injure any pound ;

Illegal  
impounding

3. Illegally impounds any animal ;

Causing  
animal to  
trespass

4. Drives any animal upon any cultivated land or to any stack of grain or hay or upon any slough growing hay. No. 19 of 1897, s. 32.

## FEES.

**33.** The following and no other shall be the fees authorised by this Ordinance in connection with animals impounded within any herd district : Authorised fees

1. To the proprietor of any land trespassed upon or other property injured by any animal or the proprietor capturing any estray, for driving and delivering such animal to the pound keeper, his reasonable expenses ; Expenses for driving animal to pound

2. To such proprietor for capturing and impounding any stallion of the age of one year and upwards or any bull of the age of nine months and upwards, a fee of \$5. Capturing stallion or bull

3. To such proprietor for any damage done by any animal an amount not to exceed that mentioned in the statement of claim delivered to the owner or pound keeper with the animal when impounded ; Damages

4. To such proprietor for notifying the owner or for every day any animal is lawfully detained before being placed in pound, such fees for making such notification and for the sustenance of such animal as a pound keeper may be authorised to charge for like services ; Giving notice or for temporary impounding

5. To the pound keeper to provide for the care and sustenance of each animal for each day such animal is impounded as follows : Sustenance of impounded animals

For each stallion or bull, twenty-five cents ;

For each other horse, mule, jack, head of cattle or swine, fifteen cents ;

For each sheep or goat, five cents ;

6. To the pound keeper for notifying owner of animal impounded, ten cents ; Notice to owner

7. To the pound keeper for forwarding notification to department for insertion in the official gazette, ten cents ; Notice to department

8. To the pound keeper for posting notices of animals impounded, each such notice to include all animals impounded at one distress or seizure, \$1 ; and the actual cost of newspaper advertising, not to exceed \$1, when incurred ; Notices posted in district Advertising

9. To the pound keeper for posting notices of sale, each such notice to include all animals impounded at one distress or seizure, \$1 ; Notices of sale

10. To the pound keeper for each mile necessarily travelled in the performance of his duties, ten cents ; Mileage

11. To the pound keeper for selling impounded animals and applying the proceeds as directed by this Ordinance, \$2.50 per centum commission upon the amount realised on the sale. No. 19 of 1897, s. 33 ; No. 36 of 1898, s. 14. Sale charges

SCHEDULE.

FORM A.

To the Lieutenant Governor in Council—

We, the undersigned, being proprietors or occupiers of land in (*here describe the district proposed to be constituted as a herd district*) hereby record our objection to the provisions of the *The Herd Ordinance* being enforced within the said District :

| NAME. | LAND OWNED OR OCCUPIED. |         |          |       |               |
|-------|-------------------------|---------|----------|-------|---------------|
|       | Quarter                 | Section | T'wnship | Range | West Meridian |
|       |                         |         |          |       |               |
|       |                         |         |          |       |               |
|       |                         |         |          |       |               |
|       |                         |         |          |       |               |

I, *A. B.*, of (*post office address*) do solemnly declare :

1. That the total number of persons in the area described in the foregoing statement of objection being holders or occupiers of land under whatever tenure or superintendents, overseers or other duly authorised persons acting for or on behalf of such holders or occupiers, is (*here insert the total number of persons residing in the proposed Herd District and owning or occupying land therein*);

2. That I was personally present and did see each of the (*number of persons signing the statement*) persons whose names are subscribed thereto sign the said statement ;

3. That each of the (*number of persons signing the statement*) persons signing the statement is qualified to do so by virtue of being the holder or occupier of land under whatever tenure or a superintendent, overseer or other duly authorised person acting for or on behalf of such holder or occupier of land within the proposed herd district ;

4. That each person signing the said statement before so doing was cognisant of the contents thereof ;

And I make this solemn declaration conscientiously believing it to be true and knowing it to be of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

(*Signature of person making declaration.*)

Declared before me }  
at }  
this day }  
of 1 }

(*Signature of person administering declaration.*)

FORM B.

To (*name of owner or Department of Agriculture, as the case may be.*)

Notice is hereby given under section 19 of *The Herd Ordinance* that (*description of animal impounded*) was impounded in the pound kept by the undersigned on the (*description of quarter section or other place where pound is located*) on  
 day the                      day of                      1 .  
 (*Signature of Pound Keeper.*)

## CHAPTER 82.

### An Ordinance for the Protection of Sheep and other Animals from Dogs.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

When dog may  
be killed

1. Any person may kill any dog in the act of pursuing, worrying or destroying cattle, horses, sheep, pigs or poultry elsewhere than on the inclosed land occupied by the owner of such dog. R.O. c. 16, s. 1 ; No. 38 of 1897, s. 42.

Proceedings  
against owner  
of vicious dog

2. On complaint made on oath before a justice of the peace that any person owns or has in his possession a dog which has within three months previous, worried, injured or destroyed any cattle, horses, sheep, pigs or poultry outside of the inclosed land occupied by the owner of such dog, such justice of the peace may issue his summons directed to such person stating shortly the matter of such complaint and requiring such person to appear before him at a certain time and place therein stated, to answer to such complaint ; and upon conviction on the evidence of one credible witness other than the complainant, of having such dog in his possession, the justice of the peace may make an order for the killing of such dog within three days and in default thereof may in his discretion impose a fine upon such person not exceeding \$20 with costs. R.O. c. 16, s. 2 ; No. 37 of 1898.

Action for  
damages not  
barred

3. No order or conviction under this Ordinance shall bar any action by the owner or possessor as aforesaid for the recovery of damages in respect of the subject matter for which such conviction is had. R.O. c. 16, s. 3.

Proof of  
knowledge of  
owner  
unnecessary

4. It shall not be necessary for the plaintiff in any action for injuries done by a dog as aforesaid to prove that the defendant was aware of the propensity of the same to pursue and injure animals nor shall the liability of the owner or possessor as aforesaid of any dog for any injury done by such dog depend upon his previous knowledge of the propensity of the same to injure animals. R.O. c. 16, s. 4.

## CHAPTER 83.

### An Ordinance respecting Stock Injured by Railway Trains.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. In the event of any stock being killed or injured by any railway train the conductor or other person in charge of the said train shall forthwith notify the nearest station agent of the railroad company upon whose line of railway the accident has occurred and the said agent shall forthwith in case the owner is known or afterwards becomes known to the agent send a notice to the owner stating the date and place of the accident. No. 18 of 1895, s. 1 ; No. 38 of 1897, s. 43 (1). Notices to be given when stock killed or injured

2. The agent shall in all cases forthwith post in a public place and manner in the station house a notice giving a full description of the animal or animals with a statement of the time and place where the animal or animals were killed or injured and such notice shall not be removed for three months unless in the meanwhile the owner becomes known to the agent. No. 18 of 1895, s. 1 (a) ; No. 38 of 1897, s. 43 (2). Notice to be posted

3. Any person infringing any of the provisions of this Ordinance shall be liable on summary conviction thereof to a penalty of not more than \$50. No. 18 of 1895, s. 2. Penalty

## CHAPTER 84.

### An Ordinance respecting Noxious Weeds.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Noxious Weeds Ordinance.*" No. 25 of 1897, s. 7.

#### INTERPRETATION.

Interpretation      **2.** When used in this Ordinance the expression "noxious weed" shall mean hedge mustard, hare's ear mustard, black mustard, common mustard, any other variety of mustard and ragweed, tumble weed, red root, Canada thistle, Russian thistle, wild oats and French weed. No. 17 of 1896, s. 1 ; No. 25 of 1897, s. 1.

#### WEED INSPECTORS.

Weed inspectors      **3.** For the purpose of carrying out the provisions of this Ordinance the commissioner of agriculture may appoint one or more weed inspectors, fix their remuneration and define their duties. No. 25 of 1897, s. 2 ; No. 40 of 1898, s. 6.

#### DESTRUCTION OF NOXIOUS WEEDS.

Weeds to be cut down      **4.** It shall be the duty of the owner of any land to cut down or destroy all noxious weeds growing on his land so often in each and every year as is sufficient to prevent the ripening of their seed. No. 17 of 1896, s. 3 ; No. 25 of 1897, s. 3.

Inspector to give notice requiring owner to destroy weeds      **5.** It shall be the duty of the inspector to give or cause to be given notice in writing to the owner or occupant of any land whereon any noxious weeds are growing and in danger of going to seed (and in case of property of a railway company the notice shall be given to the nearest railway section foreman of the company) requiring him to cause the same to be cut down or destroyed within not more than five days from the service of the notice and such notice shall be given by such inspector when and so often as may be necessary to prevent the ripening of the seed of any such noxious weeds. No. 17 of 1896, s. 4 ; No. 25 of 1897, s. 4.

Destruction of growing crops or burning of straw after threshing      **6.** In case the inspector shall discover that noxious weeds exist on land on which a crop has been sown it shall be optional for the inspector to order the growing crop to be destroyed or notify the owner or occupant in writing to burn the straw grown upon the said land within ten days after he shall have threshed the said crop. No. 17 of 1896, s. 5.



**7.** In case such owner or occupant of any land or if it be railway property then the railway section foreman upon whom such notice has been served, refuses or neglects to cut down or destroy or to cause to be cut down and destroyed any of the said noxious weeds within the time specified in such notice and if such noxious weeds are not cut down and destroyed within the specified time the owner or occupant or section foreman shall on summary conviction be liable for each offence to a fine not exceeding \$100 together with the costs of prosecution and in default of the payment thereof the person so convicted may be imprisoned in the nearest lockup or common gaol for any term not exceeding thirty days unless such fine and costs together with the costs of prosecution be sooner paid. No. 17 of 1896, s. 6.

Penalty for neglect or refusal to destroy weeds

**8.** In the case of unoccupied lands the inspector may notify the owner thereof, if his address be known, requiring him to cut down and destroy or cause to be cut down and destroyed all noxious weeds growing upon the said lands within not more than five days and if such noxious weeds are not cut down and destroyed within the specified time and if the address of the owner be not known the inspector may enter upon the lands and cause such noxious weeds to be cut down and destroyed and the expenses so incurred may be recovered from such owner by an action at law to be brought in the name of the inspector. No. 17 of 1896, s. 7 ; No. 25 of 1897, s. 5.

Inspector's duty where land not occupied

#### OFFENCES AND PENALTIES.

**9.** Every inspector who refuses or neglects to discharge the duties imposed upon him by this Ordinance shall upon summary conviction be liable to a fine of not more than \$20. No. 17 of 1896, s. 8.

Penalty for neglect of duty by inspector

**10.** Any person who sells or offers to sell any grass, clover or other seed, or any seed grain among which there is seed of any noxious weed shall for every such offence upon summary conviction be liable to a fine of not more than \$100. No. 17 of 1896, s. 9.

Penalty for selling seed containing weed seed

**11.** Any person selling or otherwise disposing of any cleanings or other refuse containing seeds of noxious weeds from any elevator or mill without first destroying the germinating qualities of such seed of noxious weeds shall be liable on summary conviction to a penalty of not less than \$25 nor more than \$100. No. 17 of 1896, s. 10.

Mill and elevator refuse containing weed seed

## CHAPTER 85.

### An Ordinance for the Protection of Game.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      **1.** This Ordinance may be cited as "*The Game Ordinance.*" No. 8 of 1893, s. 1.

#### PROHIBITIONS AND PENALTIES. GAME GUARDIANS.

Animals protected      **2.** No elk, moose, cariboo, antelope, deer or their fawn, mountain sheep or goat shall be hunted, taken or killed between the first day of February and the first day of October in any year :

Provided always that no person shall be allowed to kill or take more than six head of the aforesaid animals in any one season except for the purpose of food for himself or his family :

Provided also that south of the line between townships 22 and 23 and east of the line between ranges 23 and 24 west of the second meridian according to the Dominion lands system of survey, none of the animals mentioned in this section shall be hunted, taken or killed until the first day of October, 1901 ;

Provided also that the fawn of any of the said animals may be taken alive and domesticated. No. 15 of 1895, s. 1 ; No. 26 of 1897, ss. 1, 3.

**3.** No person shall fire at, hunt, take or kill—

1. Any buffalo at any time ;

Birds protected      2. Any grouse, partridge, pheasant or prairie chicken between the fifteenth day of December in any year and the fifteenth day of September in the following year ;

3. Any kind of wild duck, snipe or sandpiper between the first day of January and the twenty-third day of August in any year. No. 8 of 1893, s. 3 ; No. 15 of 1895, s. 2 ; No. 40 of 1898, s. 4.

Eggs      **4.** No person shall at any time disturb, injure, gather or take the eggs of any species of wild fowl or birds mentioned in this Ordinance. No. 8 of 1893, s. 4.

Number of birds one person may kill      **5.** No person shall kill in one day more than twenty of the birds mentioned in subsection 2 of section 3 hereof. No. 15 of 1895, s. 3.

Certain modes of capture prohibited      **6.** None of the contrivances for the taking or killing of the wild fowl known as swans, geese or ducks, which are described as swivel guns, batteries, sunken punts or night lights shall be

used at any time nor shall any person use grain, seed or other description of food steeped in opium, alcohol or other narcotics for the purpose of stupefying and capturing any species of wild fowl except geese. No. 8 of 1893, s. 5.

7. No person shall hunt, trap or kill in any year—

1. Any mink, fisher or marten between the fifteenth day of April and the first day of November; Close season for mink, fisher, marten, otter, beaver

2. Any otter or beaver between the fifteenth day of May and the first day of October :

Provided that in the Dominion electoral district of the East riding of Assiniboia no beaver shall be hunted, trapped or killed at any time until the first day of November, 1901. No. 8 of 1893, s. 6 ; No. 19 of 1896.

8. No person shall hunt, trap or kill any muskrat between the fifteenth day of May and the first day of November in any year. No. 8 of 1893, s. 6 ; No. 19 of 1896. Muskrat

9. No bird named in this Ordinance except geese shall be taken or killed at any time by means of any rope, snare, spring, cage, net or trap and no engine shall be at any time for such purpose placed, constructed, erected or set, either wholly or in part; and any person finding any rope, snare, spring, cage, net or trap or engine so placed, constructed or set may take possession of or destroy the same without such person thereby incurring any liabilities therefor. No. 8 of 1893, s. 7. Instruments of capture which may be destroyed

10. During the time in which it is unlawful to kill any animal or bird as herein provided the possession of any part of such animal or bird (except the skin) shall be deemed *prima facie* evidence that such animal or bird was unlawfully killed or taken. No. 26 of 1897, s. 4. Prima facie evidence of unlawful killing

11. The commissioner of agriculture may appoint guardians having the power of constables to enforce the provisions of this Ordinance. Every such guardian so appointed shall forthwith seize the carcase of any animal or bird referred to in the preceding section or any portion thereof found by him in the possession or custody of any person during any forbidden period or which appear to him to have been taken or killed during such period or by any of the illegal means set forth herein and bring it before the nearest justice of the peace who, unless the person in whose possession the said carcase is found being first notified of the seizure establishes to the satisfaction of the said justice by his oath or otherwise that the provisions of this Ordinance in that respect have not been contravened, shall declare it confiscated either in whole or in part. No. 8 of 1893, s. 9 ; No. 40 of 1898, s. 4. Game guardians

12. All animals or birds or portions of animals or birds so confiscated shall belong to the guardian. No. 8 of 1893, s. 10. Confiscated game

13. No person or corporation shall at any time or in any Export

prohibited manner export or cause to be exported or carried out of the limits of the North-West Territories any grouse, partridge, pheasant, prairie chicken, elk, moose, cariboo, antelope or their fawn. No. 8 of 1893, s. 11 ; No. 26 of 1897, s. 5.

Penalties **14.** Any violation of any of the provisions of this Ordinance shall be an offence punishable, on summary conviction before a justice of the peace, as respects killing or taking of buffalo with a fine not exceeding \$100 ; and as respects any other violation of this Ordinance with a fine not exceeding \$50, with costs of prosecution, half of which fine shall be paid to the informer on his demand therefor and the other half shall be paid into the general revenue fund of the North-West Territories : but if the informer makes no demand for half of the fine at or before the conclusion of the trial then the whole of the fine shall be paid into the general revenue fund of the North-West Territories. On nonpayment of such fine and costs forthwith after conviction the offender shall be imprisoned in the nearest gaol for a period not exceeding two months. No. 8 of 1893, s. 12.

Time for prosecution **15.** No prosecution shall be brought under the preceding section after three calendar months from the day of the committing of the offence charged. No. 8 of 1893, s. 13.

Birds or eggs for scientific purposes **16.** The commissioner of agriculture upon application being made to him by any person may grant such person written permission to procure birds or eggs for scientific purposes during the close season.

(2) Every such application shall state the kind and number of birds or eggs required and the special scientific purposes for which such birds or eggs are intended and every application shall be verified by affidavit of the applicant. No. 8 of 1893, s. 14 ; No. 26 of 1897, s. 6.

Person in actual want may kill **17.** Notwithstanding anything hereinbefore contained any traveller, family or other person in a state of actual want may kill any bird or animal herein mentioned and take any egg or eggs hereinbefore referred to for the purpose of satisfying his or their immediate wants but not otherwise. No. 8 of 1893, s. 15.

None but person killing to sell **18.** No person shall at any time offer for sale, barter or exchange any prairie chicken that has been caught or killed by any person other than himself. No. 8 of 1893, s. 16.

Mountain sheep or goat must not be sold **19.** No person shall sell or expose for sale, barter or trade nor shall any person buy or obtain from any other person by barter or trade or in any other manner any mountain sheep or goat or any part thereof. No. 26 of 1897, s. 2.

Licenses to nonresidents **20.** No person who is not a resident of the Territories shall hunt, take or kill any of the aforesaid animals or birds unless he has obtained a license therefor which license may be

issued by the commissioner of agriculture on payment to him of a fee of \$15.

(2) Such license shall only apply for a period commencing on the first day of August and ending on the thirty-first day of December in the year in which it is issued and as to such period shall only confer the right to hunt, take or kill any of such animals or birds after the expiration of two weeks from the first day on which any such animal or bird may lawfully be hunted, taken or killed by any resident of the Territories and subject hereto such license shall only bestow the right to hunt, take or kill as limited by this Ordinance. No. 40 of 1898, s. 4.

**21.** All members of the North-West Mounted Police Force shall be *ex officio* game guardians under the provisions of this Ordinance. No. 8 of 1893, s. 18. N.W.M. Police  
*ex officio* game  
guardians

**22.** This Ordinance shall only apply to such Indians as it is specially made applicable to in pursuance and by virtue of the powers vested in the Superintendent General of Indian Affairs of Canada by section 133 of *The Indian Act* as enacted by 53 Victoria, chapter 29, section 10. No. 8 of 1893, s. 19. Indians

**23.** No person shall fire at, hunt, take or kill any of the animals or birds mentioned in this Ordinance which are upon or over any lands inclosed by a fence of any description or upon or over any lands in a state of cultivation, who has not obtained the consent of the occupier thereof. No. 20 of 1894, s. 1. Enclosed lands

**24.** Any person contravening the provisions of the last preceding section shall upon summary conviction be liable to be fined in a sum not exceeding \$25. No. 20 of 1894, s. 2. Penalty

## CHAPTER 86.

### An Ordinance to Prevent the Pollution of Running Streams.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Depositing  
filth in  
streams

Penalty

**1.** Any person who deposits or causes or allows to be deposited along the bank of any running stream in the Territories or who shall cast or throw into its waters any stable manure or any night soil, carcases, or any other filthy or impure matter or substance of any kind shall be guilty of an offence and on summary conviction for each and every such offence incur a penalty of not less than \$5 together with the costs of prosecution ; and on non-payment of such penalty and costs forthwith after conviction be imprisoned in the nearest common gaol for a term not exceeding one month unless such penalty and costs are sooner paid. R.O. c. 22, s. 1 ; No. 38 of 1897, s. 45 (1).

Banks of  
streams

**2.** The banks of all running streams within the Territories shall for the purposes of this Ordinance include all lands within fifty feet of ordinary high water mark on either side of such streams. R.O. c. 22, s. 2.

Sewage

**3.** This Ordinance shall not refer to the discharge of sewer waters from any pipe or drain leading from any dwelling house, hotel or public institution. R.O. c. 22, s. 5.

## CHAPTER 87.

### An Ordinance for the Prevention of Prairie and Forest Fires.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Prairie Fires Or-* Short title  
*dinance.*" No. 38 of 1898, s. 1.

#### PROVISIONS AGAINST KINDLING FIRES.

2. Any person who shall either directly or indirectly, per- Causing  
prairie fires,  
sonally or through any servant, employee or agent—

- (a) Kindle a fire and let it run at large on any land not his own property ;
- (b) Permit any fire to pass from his own land ; or
- (c) Allow any fire under his charge, custody or control or under the charge, custody or control of any servant, employee or agent to run at large,

shall be guilty of an offence and shall on summary conviction penalty  
thereof be liable to a penalty of not less than \$25 and not more than \$200 and in addition to such penalty shall be liable to civil action for damages at the suit of any person whose property has been injured or destroyed by any such fire. No. 38 of 1898, s. 2.

#### CAMP OR BRANDING FIRES.

3. Any person who kindles or is a party to kindling a fire Camp or  
branding fires,  
extinguish-  
ment  
in the open air for camping or branding purposes and who leaves the same without having extinguished it shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$100. No. 38 of 1898, s. 3.

#### CLEARING LAND.

4. No person shall directly or indirectly, personally or by Fireguards in  
certain cases  
any servant, agent or employee kindle on any land a fire for the purpose of guarding property, burning stubble or brush or clearing land unless the land on which the fire is started is at the time it is started, completely surrounded by a fire-guard not less than twenty feet in width consisting of land covered with snow or water or so worn, graded, ploughed, burned over or covered with water as to be free of inflammable matter and any person kindling a fire for such purpose shall during the whole period of its continuance cause it to be guard-

ed by three adult persons provided with proper appliances for extinguishing prairie fire.

(2) Any person contravening this section shall be guilty of an offence and be liable on summary conviction thereof to a penalty not exceeding \$100. No. 38 of 1898, s. 4.

#### FIRES BY RAILWAY EMPLOYEES.

Railway  
companies and  
employees

**5.** Nothing in this Ordinance shall prevent any railway company or its employees from burning over the land held by it under its right of way and the land adjoining the same to an extent not exceeding three hundred feet in width on each side of the centre line of the railway.

(2) Every person causing, commencing or in charge of such burning shall cause the same during the whole period of its continuance to be watched and guarded by at least four men provided with suitable appliances for extinguishing prairie fire and in default thereof shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$100.

(3) This section shall not relieve any person from liability under this Ordinance if any fire so started shall escape or run at large. No. 38 of 1898, s. 5.

#### SPRING BURNING.

Fires before  
7th May

**6.** Nothing herein contained shall prevent any person from kindling fire before the 7th day of May in any year for the purpose of clearing any area of land not exceeding three hundred and twenty acres if such land is completely surrounded by a fire guard not less than ten feet in width consisting of land covered with snow or water or being so worn, graded, ploughed, burned over or covered with water as to be free from inflammable matter.

(2) Any person so kindling a fire shall cause it to be guarded during the whole period of its continuance by three adult persons provided with proper appliances for extinguishing prairie fire and should such fire be left without being so guarded or be allowed to escape such person shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$100. No. 38 of 1898, s. 6.

#### FIRES BY LOCAL IMPROVEMENT OVERSEERS.

Overseers of  
local  
improvement  
districts,  
exception

**7.** Nothing in this Ordinance contained shall prevent the overseer of any local improvement district from kindling a fire for the purpose of making a fire guard but the area which it is proposed to burn must be completely inclosed by a fire guard at least ten feet in width such as is described in section 6 hereof and such fire so kindled must during the whole period of its burning be guarded by such number of men provided with proper appliances for extinguishing prairie fire, not being less than four men, as will be reasonably sufficient to control such fire and if the precautions hereby required are not



taken or if such fire should escape and run at large such overseer shall be deemed guilty of an offence and be liable on summary conviction thereof to a penalty not exceeding \$100. No. 38 of 1898, s. 7.

#### PROSECUTIONS.

8. It shall not be necessary that any prosecutor or complainant shall in any information or complaint for an offence under this Ordinance negative any exemption, exception, proviso or condition herein contained or prove any such negative at the hearing or trial but the accused person may prove the affirmative thereof in his defence if he wishes to avail himself of it. No. 38 of 1898, s. 8.

Burden of proof  
Negative exceptions

#### RIGHTS OF ACTION PRESERVED.

9. Nothing in this Ordinance shall bar or prevent any person from bringing any action against any person to which he may otherwise be entitled. No. 38 of 1898, s. 9.

Rights preserved

#### FIRE GUARDIANS.

10. The commissioner of agriculture may appoint fire guardians having the powers of constables to enforce the provisions of this Ordinance and all justices of the peace, all members of the North West Mounted Police force and all overseers of local improvement districts shall be *ex officio* fire guardians. No. 38 of 1898, s. 10.

Fire guardians

11. Any fire guardian may order any grown-up male person under sixty years of age (other than postmasters, railway station agents, members of the medical profession, telegraph operators, conductors, engineers, brakemen, firemen or trainmen) residing or then being within ten miles of a prairie fire or within fifteen miles of a bush fire to proceed at once to the locality of such fire and assist in extinguishing it; and any person neglecting or refusing without lawful excuse to obey any such order shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$5. No. 38 of 1898, s. 11.

Powers of fire guardians

#### THRESHING ENGINES.

12. The following provisions shall be observed in and about the management and operation of engines used for threshing:

Management and operation of threshing engines

1. The engine shall not be placed for the purpose of working so that any part thereof will be within thirty feet from any building or stack;

2. A metal pan of adequate size shall be placed under the engine as a receptacle for cinders and ashes and such metal pan shall be kept filled with water;

3. Before the fires are lit in the furnace and during the whole time the engine is in operation the reservoir in the smoke stack shall be filled with water;

4. All cinders and ashes shall be thoroughly extinguished before the engine is removed from where it has been in operation ;

5. A barrel of water and two buckets shall be provided and placed conveniently to any stacks or combustible material near the engine ;

6. A spark arrester in good repair shall be used and shall not be opened while the engine is in operation.

(2) Any person contravening or failing to comply with any of the provisions of this section shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$5. No. 38 of 1898, s. 12.

## CHAPTER 88.

### An Ordinance respecting the Construction of Chimneys.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

**1.** No person shall construct or use a chimney in any portion of the Territories unless the same be constructed of walls of stone or brick and mortar, concrete or clay at least four inches thick and projecting at least three feet above the roof of the building wherein the same is or is to be used ; or where stove pipes pass through a roof they must be firmly secured, the wood be cut away at least three inches from and around the pipe and protected by sheet iron, tin or zinc or pass through a safe the same as ceiling as hereinafter mentioned. R.O. c. 33, s. 1.

**2.** When stove pipes in any buildings lead through partitions, floors or ceilings the same shall be encased in solid brick and mortar, concrete or clay so that at every point there shall be at least four clear inches between such pipe and any wood work or within metallic cylinders or stove pipe safes giving at least one inch and three-fourths air space all around on every side. R.O. c. 33, s. 2.

**3.** Any person violating the provisions of this Ordinance shall be subject to a fine on summary conviction not exceeding \$50 and costs of prosecution. R.O. c. 33, s. 3.

**4.** The provisions of this Ordinance shall not apply to farms, houses or buildings ten chains distant from one another and shall not apply to municipalities which have provided for the subject matter thereof. R.O. c. 33, s. 4.

## CHAPTER 89.

### An Ordinance respecting the Sale of Intoxicating Liquors and the Issue of Licenses Therefor.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      1. This Ordinance may be cited as "*The Liquor License Ordinance.*" No. 7 of 1897, s. 1.

#### INTERPRETATION.

Interpretation      2. In this Ordinance and in the schedules thereto the words and expressions following shall, unless such interpretation be repugnant to the subject or inconsistent with the context, be construed as follows :

"Board"      1. "Board" means the board of license commissioners ;

"District"      2. "District" means a license district ;

"Householder"      3. "Householder" means—  
    (a) The owner or owners of any house or place of business not actually occupied by any other person under lease for a year or any longer term ;  
    (b) The tenant or tenants in actual occupation of any house or place of business under a lease for a year or any longer term. Husband and wife living together shall not be considered as separate householders but the husband shall be deemed the householder ;

"Dwelling house"      4. "Dwelling house" means an actual separate dwelling with a separate door for ingress and egress ;

"Justice"      5. "Justice" means a justice of the peace ;

"Hotel license"      6. "Hotel license" means and includes every license granted for the sale by retail of fermented, spirituous or other liquors which may be consumed on the premises on which the same is sold whether hotel premises or not ;

"Licensee"      7. "Licensee" means a person holding a license under this Ordinance ;

"Person"      8. "Person" includes every member of a firm and the servant, office holder, agent of a company, association or body of persons whether incorporated or not ;

"Licensed premises"      9. "Licensed premises" means the premises in respect of which a license under this Ordinance has been granted and is in force and extends to every room, closet, cellar, yard, stable, outhouse, shed or any other place whatsoever of, belonging or in any manner appertaining to such house or place ;

10. "Liquor" or "liquors" means and comprehends all spir- <sup>"Liquor"</sup>  
 ituous and malt liquors and all combinations of liquors and <sup>"Liquors"</sup>  
 drinkable liquors which are intoxicating ;

11. "Public bar" or "bar" means and includes any room, <sup>"Public bar"</sup>  
 passage or lobby in any licensed premises into which the public <sup>"Bar"</sup>  
 may enter and purchase liquors ;

12. "Inspector" means an inspector for a district and "chief <sup>"Inspector"</sup>  
 inspector" means the chief inspector of licenses ; <sup>"Chief  
inspector"</sup>

13. "Sale by retail" means the sale of a quantity, not to ex- <sup>"Sale by  
retail"</sup>  
 ceed half a gallon at any one time, of ale, beer or porter or one  
 quart of wine or spirits ;

14. "Electors" means those who are entitled to vote at an <sup>"Electors"</sup>  
 election for a member of the Legislative Assembly of the  
 Territories ;

15. "Judge" means a judge of the Supreme Court usually <sup>"Judge"</sup>  
 exercising jurisdiction in the judicial district in which the  
 license district (or the greater portion thereof) is situate. No.  
 7 of 1897, s. 2.

#### EXCEPTIONS FROM APPLICATION OF ORDINANCE.

### 3. Nothing in this Ordinance shall apply—

1. To manufacturers of native wine from fruits grown and <sup>Application  
of Ordinance  
limited</sup>  
 produced in Canada and who sell such wines in quantities of <sup>Manufac-  
turers of  
native wine</sup>  
 not less than one gallon or not less than two bottles of three  
 half pints each at one time at the place of manufacture ;

2. To any person who holds a license as auctioneer selling <sup>Auctioneer  
selling liquor  
forming part  
of insolvent  
debtor's estate</sup>  
 liquor at public auction :

Provided that the liquor being sold forms part of an insol-  
 vent debtor's estate and is named in the inventory thereof and  
 offered for sale under instructions from the creditor or creditors  
 of such estate or his or their assignee, agent or trustee and that  
 the stock of such liquors is not broken for the purpose of such  
 sale and is not removed from the place in which such liquors  
 were originally exposed under license ;

3. To the sale of beer in any canteen of the North-West <sup>Sale of beer  
in N.W.M.P.  
canteens</sup>  
 Mounted Police established under proper authority ; such sale  
 to be restricted to members of the North-West Mounted Police ;

4. To the sale of any liquor by virtue of an execution or <sup>Judicial sales</sup>  
 other judicial process. No. 7 of 1897, s. 3.

#### LICENSE DISTRICTS.

4. The Lieutenant Governor in Council shall establish dis- <sup>License  
districts</sup>  
 tricts for the purposes of this Ordinance to be called license  
 districts and may from time to time alter and redefine the  
 same ; and the license districts when so established and when  
 altered shall be announced by proclamation in *The North-West  
 Territories Gazette*. No. 7 of 1897, s. 4.



**9.** It shall be the duty of the inspector to see that a synopsis of this Ordinance and the penalties thereunder shall be posted in a conspicuous place where liquor is sold under this Ordinance. No. 7 of 1897, s. 101. Synopsis of Ordinance to be posted

**10.** In case any person gives to the inspector information justifying the prosecution of any person for offences against this Ordinance it shall be the duty of the inspector to lay the information in his own name and prosecute. No. 7 of 1897, s. 39. Inspector to lay information and prosecute

**11.** Any incorporated city or town may appoint an inspector or inspectors of licenses within the limits of its corporation who shall have all the powers conferred by this Ordinance upon inspectors for the purpose of prosecution, and in case any person is convicted of an offence against the provisions of this Ordinance through the action of such inspector or otherwise through the action of the municipality then the Territorial treasurer shall pay to such municipality one-half of the fines recovered through such conviction. No. 7 of 1897, s. 38. Incorporated cities or towns may appoint inspectors

#### LICENSES.

**12.** Licenses shall be either,

Form of license

(a) "Hotel" or

(b) "Wholesale."

(2) Licenses shall be signed by the chief inspector and shall be in form F appended hereto.

(3) Under a wholesale license the licensee may sell and dispose of liquors in the warehouse, store, shop or place defined in the license in quantities of not less than one-half gallon in each cask or vessel and in case of such selling by wholesale as in respect of bottled ale, beer, porter, wine or other fermented or spirituous liquors each such sale shall be in quantities not less than one reputed quart bottle or two reputed pint bottles and liquors thus sold shall not be consumed in or upon the house and premises in respect of which the license is granted: Wholesale license

Provided that in case of any conviction against a wholesale licensee for allowing liquors to be consumed in or upon such house or premises such licensee shall absolutely forfeit his license or licenses and no new license shall thereafter be granted to such licensee in the license district in which such licensed premises are situate:

Provided further that in incorporated cities and towns no business other than a liquor business and the sale of cigars and tobacco shall be carried on upon the premises covered by such wholesale license. No. 7 of 1897, s. 9. Wholesale license limited

**13.** Licenses may be issued in the name of a copartnership when two or more persons are carrying on business in the same name but a separate license shall be required in every separate place of business of such firm. License may issue in name of copartnership

Dissolution of  
partnership

(2) A license granted to any firm or partnership shall without any formality enure to the benefit of the remaining partner or partners in the event of the withdrawal or removal of any of them by dissolution or any other determination of the partnership. No. 7 of 1897, s. 37.

Incorporated  
company may  
become  
licensee

**14.** Any incorporated company may become a licensee or licensees in any district under the provisions of this Ordinance and in such cases all acts required under the provisions of this Ordinance to be done by any person as licensee whether prior to or after the granting of a license may be done in the name of the company by the officer or agent of the said company in charge of the particular premises for which the license is to be or shall have been granted. No. 7 of 1897, s. 27.

Officer or  
agent may  
act

Short term  
ale and beer  
licenses on  
application of  
societies

**15.** Upon the application of any incorporated society, turf club or racing association the chief inspector may in his discretion grant a permit to any licensee under this Ordinance to sell by retail for any period not exceeding six days, ale or lager beer, but not spirits, in a covered booth or tent upon grounds occupied by any such society, association or club for the time being for the purpose of holding meetings for the encouragement of manly sports and exercises or for the purpose of holding racing or trotting matches provided that said meeting is held within a staked or fenced inclosure and does not include any licensed premises within the limits of such inclosure, and provided that an inspector of the district shall approve of the location of the tent or booth in which such liquors may be sold under such permit.

License fee

(2) The licensee to whom any such permit may be granted shall pay therefor a fee of \$10 to the Territorial treasurer for each day covered by the permit and shall be subject to the provisions of this Ordinance as if selling in his own licensed premises.

Exception

(3) No permit under this section shall be granted for the sale of ale or lager beer upon grounds occupied or partly occupied for the time being by any agricultural society or any other society, association or corporation for the purpose of holding any agricultural show or industrial exhibition. No. 7 of 1897, s. 76.

Dining hall  
licenses  
for beer

**16.** Any keeper of a dining hall situated within fifty feet of the lines of railway may obtain a dining hall license for the sale of beer only and shall pay therefor the sum of \$100 to the Territorial treasurer; such licenses shall expire on the thirtieth day of June in each year:

Provided that where any such license is granted the premises being within the limits of an incorporated city or town the licensee may by bylaw be required to pay to such incorporated city or town such a sum not exceeding \$100 as it may determine. No. 7 of 1897, s. 120.

Special license  
to railway  
company

**17.** Any railway company may obtain a special license from the chief inspector to sell wine, ale, beer and spirits on any dining car attached to a train upon the line of their railway



and shall pay therefor the sum of \$100 to the Territorial treasurer; such licenses shall expire on the thirtieth day of June in each year.

(2) The general provisions of this Ordinance as to applications for licenses and the proceedings thereon shall not apply in the case of applications for license under this or the preceding section. No. 7 of 1897, s. 121; No. 40 of 1898, s. 12.

**18.** In any incorporated city containing a population of three thousand or over, additional hotel licenses may be issued to two restaurants and in any incorporated city containing a population of two thousand or over, an additional hotel license may be granted to one restaurant and the board may dispense with hotel qualifications for that purpose but the restaurants so licensed shall be subject to the other provisions contained in this Ordinance regarding hotel licenses and the holders of such licenses shall be subject to the provisions herein contained concerning hotel licenses: Additional hotel licenses

Provided that no licenses shall be issued to restaurants where the municipal council has notified the board protesting against the issue of such licenses.

(2) No such license shall be granted until the premises have been inspected and found to contain a suitable dining room, kitchen and necessary appliances, and until a certificate has been filed with the inspector signed by ten resident ratepayers assessed on the last assessment roll for \$1,200 or upwards certifying that in their opinion said restaurant is desirable for the purpose of providing meals for the public, and the inspector shall see that meals are furnished for the public during the existence of said license. No. 7 of 1897, s. 122. Certificate of ratepayers

**19.** Subject to the provisions of this Ordinance as to removals and the transfer of licenses every license for the sale of liquor shall be held to be a license only to the person named therein and for the premises therein mentioned and shall remain valid only as long as such person continues to be the occupant of the said premises and the true owner of the business there carried on. No. 7 of 1897, s. 44. License to be a license only to person named therein

**20.** No license shall be granted to any person declared in pursuance of this Ordinance to be a disqualified person during the continuance of such disqualification; any license issued to a person so disqualified shall be void. No. 7 of 1897, s. 34. Disqualified persons ineligible

**21.** No license shall be granted under the provisions of this Ordinance to or for the benefit of any person who is a license commissioner or license inspector and any license so issued shall be void. No. 7 of 1897, s. 35. Commissioner or inspector cannot obtain license

**22.** No license shall be issued under the provisions of this Ordinance for premises within any district of which a member of the board or the inspector of such district is the owner. No. 7 of 1897, s. 36. Premises owned by commissioner or inspector not licensed

License to  
married  
woman

**23.** No license shall be granted to any married woman unless she be the owner or tenant in her own right of the premises for which the license is sought and she shall satisfy the board that the business to be carried on is for her own use and benefit irrespective of her husband. No. 7 of 1897, s. 30 (3).

#### ACCOMMODATION REQUIRED IN LICENSED HOTELS.

Hotel accom-  
modation

**24.** Every hotel authorised to be licensed under the provisions of this Ordinance shall contain in addition to what may be needed for the use of the family and servant or servants of the hotel keeper, in incorporated cities or towns not less than ten bedrooms; in villages not less than seven bedrooms and in other places not less than four bedrooms together with, in every case, a suitable complement of bedding and furniture; and (except in incorporated cities, towns and villages) there shall also be attached to the said hotel proper stabling for at least six horses besides the hotel keeper's own.

Separate  
public  
sitting room

(2) Every licensed hotel shall have a public sitting room separate and distinct from the bar room.

Hotel to be  
well appointed

(3) Every licensed hotel shall be shown to the satisfaction of the commissioners to be well appointed and with sufficient appliances for serving meals daily to travellers.

Meals

Privy

(4) Every licensed hotel shall be provided with a suitable privy which shall at all times be kept properly cleaned and ventilated. No. 7 of 1897, s. 29.

#### APPLICATIONS FOR LICENSE.

Licenses, how  
issued

**25.** Every license shall be issued upon the recommendation of the board except as herein provided. No. 7 of 1897, s. 10.

Meetings  
of board

**26.** The board shall sit during the month of May in each year at such place and at such date as may be arranged and notified to them by the chief inspector to receive and dispose of applications for license and to hear and decide protests. No. 7 of 1897, s. 11.

Board may  
adjourn  
meeting

**27.** At such meeting the board may adjourn the hearing of any application or any protest to any other place and time if they see fit and as far as possible protests shall be tried in the locality in which application for license is made.

(2) The board may be called together at any time by the chief inspector and the board may meet at any time of their own motion.

Board may  
adjourn  
meeting if  
quorum not  
present

(3) If from any cause a quorum of the board fails to be present on the day fixed for the meeting or at any adjournment of a meeting the said meeting or adjourned meeting shall stand adjourned from day to day until a quorum shall be present to hold such meeting. No. 7 of 1897, s. 12.

Application  
for licenses

**28.** Every application for a license shall be by petition (in form A appended hereto) and such application and also recommendation (in form B) and the affidavits (in forms C and D)

shall be sent to the Territorial treasurer along with the sum of \$10 so that it may reach him on or before the first day of April. On receipt of the same it shall be the duty of the Territorial treasurer to sign a receipt in duplicate for such sum of \$10 and to send one thereof to the applicant and the other together with such application and recommendation to the chief inspector.

(2) The recommendation (form B) shall not be required in the case of any application for a license in an incorporated city or town. No. 7 of 1897, s. 13.

**29.** As soon as possible after the first day of April the chief inspector shall advertise by one insertion in a newspaper in each locality for which applications (accompanied by said receipt and recommendation where required) have been received by him or as near such locality as possible, a list of all such applications received for such locality showing the name of each applicant, description of license applied for and the place described with sufficient certainty together with a notice of the time and place of the meeting of the board to be held to consider such applications; at least twenty-four days shall intervene between the publication of the advertisement and the date of such meeting; and a notice containing similar information shall be fixed to the outer door of the building where the board is to sit, and be sent to the postmaster nearest to the proposed license premises to be posted up in the post office; and the chief inspector shall also send to an inspector a list of all applications made in his district; upon receiving such list such inspector shall inspect the premises of each applicant named and make the report provided for in this Ordinance. Such inspector shall produce such reports at the then next meeting of the board in the district. No. 7 of 1897, s. 14.

**30.** The chief inspector shall attach all the papers relating to each application together and transmit them together with a statement shewing all convictions under this Ordinance against any applicant, to the inspector of the district who shall produce them at the meeting of the board.

(2) All papers connected with applications or protests while in the hands either of the chief or district inspector shall be open to the inspection of the public. No. 7 of 1897, s. 15.

**31.** After the meeting of the board the inspector shall return the said papers to the chief inspector with a certificate signed by at least the majority of the commissioners present at the meeting showing whether the license is recommended or not and if not recommended stating the reasons. No. 7 of 1897, s. 16.

**32.** Upon receipt of the papers and certificates the chief inspector shall notify each successful applicant that he is required to send to the Territorial treasurer on or before the fifteenth day of June—

Certificate  
municipal  
treasurer

(a) Where the premises to be licensed are within an incorporated city or town which has provided by bylaw for the payment of a municipal license fee under subsection 2 of section 46 hereof, a certificate which shall be furnished free of charge from the municipal clerk or treasurer of the payment of such fee;

License  
fee and  
prosecution  
fund

(b) The amount of the Territorial license fee together with five per cent. thereof in addition as a prosecution fund.

Licenses  
to be sent

(2) Upon receipt of said moneys and certificate (where required) the Territorial treasurer shall sign a receipt in duplicate for the same, one of which he shall transmit to the applicant and the other along with the certificate (where required) to the chief inspector who shall thereupon send to such applicant a license in form F appended hereto. No. 7 of 1897, s. 17.

Applications  
at other times

**33.** Any person desiring to obtain a license at any other time than as above provided may send to the Territorial treasurer his application and \$10 as above provided; the chief inspector upon receipt of the application and the Territorial treasurer's receipt shall calculate the amount of the Territorial license fee and the expense of calling the board together and of advertising and shall notify the applicant that his application will not be considered until the amount so estimated for the expense of calling the board together and of advertising has been received by the Territorial treasurer; upon receipt of such amount by the Territorial treasurer the chief inspector shall arrange for the advertising of the application, the inspection of the premises and the calling together of the board at as early a day as possible to deal with the application—provided that in case more than one application is made at the same time to the same board the expense shall be divided *pro rata* among the applicants but no license shall be granted to any person under the provisions of this section whose application for a license under section 28 hereof has been rejected. No. 7 of 1897, s. 18.

Application  
for renewal  
of license for  
same  
premises

**34.** Any existing licensee may apply for the renewal of his license for the same premises for another term in which case the recommendation in form B shall not be required unless since obtaining such recommendation he has been convicted of an offence under this Ordinance. No. 7 of 1897, s. 19.

Fees to be  
paid into  
general  
revenue fund

**35.** All license moneys and fees payable under this Ordinance shall be paid to the Territorial treasurer and shall go to the general revenue fund.

Amount  
estimated for  
expenses to be  
held in trust

(2) The amount estimated by the chief inspector for the expense of calling the board together and of advertising in section 33 hereof referred to, shall be retained in trust until the actual expenses incurred are ascertained, when the amount of such actual expenses shall be paid into the general revenue fund and the balance if any shall be refunded to the applicant. No. 7 of 1897, s. 20.

**36.** Any seven or more out of the twenty householders residing nearest to the premises for which a license is required may by petition in form G appended to this Ordinance object to the granting of such license and the objections which may be taken to the granting of a license may be one or more of the following :

- (a) That the applicant is of bad fame and character or of drunken habits or has previously forfeited license ; or Bad fame
- (b) That the premises in question are out of repair or have not the accommodation required by law or reasonable accommodation if the premises be not subject to the said requirements ; or Premises out of repair
- (c) That the licensing thereof is not required in the neighbourhood or that the premises are in the immediate vicinity of a place of public worship, hospital or school or that the quiet of the place in which such premises are situate will be disturbed if a license be granted or for other valid reasons which may be shown. Not required

(2) The petition shall be transmitted to the Territorial treasurer accompanied with \$10 in time for its receipt by him not less than ten days before the then next sitting of the board ; on receipt thereof the Territorial treasurer shall acknowledge the same in writing to the person from whom he received it ; he shall indorse on the back of the petition the date he received the same with the money aforesaid and forward the said petition to the chief inspector who forthwith shall transmit it to the inspector for production at the said sitting of the board. Petition to be sent to Territorial treasurer

(3) The said sum of \$10 shall be held in trust and in case the protest is successful shall be returned to the person whose name is first upon the petition. In case the protest is not successful the said sum of \$10 shall be paid into the general revenue fund. Protest fee held in trust  
Returned if successful

(4) The board shall fix a day and place specially for the trial of the protests giving each party reasonable notice thereof. Day to be fixed for trial

(5) The board shall give a written decision stating which if any of the objections stated in the protest are sustained or not as the case may be. Written decision

(6) Such petition must be signed within the period of sixty days immediately prior to the day it is so received by the treasurer and the justice or commissioner before whom the same is signed shall certify the date upon which each person signs such petition. No. 7 of 1897, s. 21. Petition to be signed within 60 days prior to receipt

**37.** A license shall not be granted to any person to sell intoxicating liquors outside of incorporated cities or towns who has not first obtained the recommendation in writing in form B. Where recommendation not required

(2) Such recommendation must be signed within the period of sixty days immediately prior to the day it is so received by the Territorial treasurer and the justice, notary or commissioner before whom the same is signed shall certify the date upon which each person signs such recommendation. Recommendation to be signed within 60 days prior to receipt

Number of  
licenses  
limited

(3) In incorporated cities, towns and villages when the population does not exceed five hundred, not more than two hotel licenses shall be granted; in incorporated cities and towns where the population exceeds five hundred and does not exceed one thousand, not more than three hotel licenses shall be granted; and not more than one additional license shall be granted for each additional full five hundred of population over one thousand. No. 7 of 1897, s. 22.

Recommen-  
dation to state  
distances

**38.** Every recommendation and protest (forms B and G) having reference to the granting of a license shall have in addition to each signature thereon a statement of the approximate distance from the premises to which such petition refers of the residence of each person signing the same. No. 7 of 1897, s. 23.

Hearing  
applications  
and protests

**39.** Every application for a license and all protests if any against every such application shall be heard and determined by the board in a summary manner.

Open to public

(2) Every such hearing of an application or protest shall be open to the public and every applicant for a license shall attend personally at such hearing unless hindered by sickness or infirmity and the board may summon and examine on oath such witnesses as they may think necessary and as nearly as may be in the manner directed by any Act now or hereafter in force relating to the duties of justices in relation to summary convictions and orders and any one member of the board may administer such oath.

Adjournment

(3) Every such hearing may at the discretion of the board be adjourned from time to time.

Powers  
of board

(4) At all hearings under this Ordinance the individuals composing the board shall have the same powers as justices of the peace. No. 7 of 1897, s. 24.

Inspector's  
reports on  
applications  
for hotel  
licenses

**40.** On every application for a license except for a wholesale license the inspector shall report in writing to the board and such report shall contain—

1. A description of the house, premises and furniture ;
2. If the application be by a person who held a license for the same premises during the preceding year a statement as to the manner in which the house has been conducted during the existence of the previous license ;
3. A statement of the number, position and distance from the house in respect of which a license is applied for, of the licensed houses in the neighborhood ;
4. A statement whether the applicant is a fit and proper person to have a license and is known to be of good character and repute ;
5. A statement whether the premises sought to be licensed are or are not in his opinion required for public convenience ;
6. A statement whether the applicant is or is not the true owner of the business of the hotel proposed to be licensed ;

7. A statement whether the persons signing the recommendation (form B) are in the opinion of the inspector ten out of the twenty householders nearest to the building in which the business proposed to be licensed is to be carried on. No. 7 of 1897, s. 25.

41. In every application for a wholesale license the inspector shall report to the board in writing and such report shall contain— Inspector's report on applications for wholesale licenses

1 A description of the house and outbuildings with the number of the lot or section they are comprised within;

2. If the applicant be a person who held a license in the same district during the preceding year a statement as to the manner in which the business was conducted during the existence of the previous license;

3. A statement showing—

(a) Whether the applicant is or is not a fit and proper person to have a license and is known to be of good character and repute;

(b) Whether the business sought to be licensed is or is not in his opinion required for public convenience;

(c) Whether the applicant is or is not the true owner of the business proposed to be licensed;

(d) Whether the persons signing the recommendation (form B) are in the opinion of the inspector, ten out of the twenty householders nearest to the building in which the business proposed to be licensed is to be carried on. No. 7 of 1897, s. 26.

42. The report of the inspector shall be for the information of the board who shall nevertheless exercise their own discretion on each application. No. 7 of 1897, s. 28. Discretion of board

#### HEARING AND DETERMINING APPLICATIONS.

43. The board having ascertained that the requirements of this Ordinance as to the application and the report of the inspector have been complied with, but not otherwise, shall hear the application. Duties of board

(2) The board shall hear and determine all protests and objections which may be made against applications on evidence as shall seem to them sufficient. Hearing and determining protests

(3) Any person who is qualified to protest and has signed a formal protest in form G hereto appended against the granting of a license may be heard in relation thereto in person or by attorney or agent. Persons signing protest may be heard

(4) The council of any municipality may authorise any person to appear in a similar manner on behalf of the ratepayers of such municipality as to the granting of a license and such person so authorised shall have a right to be heard before the board against the granting of such license. Municipal council may be represented

Notice of  
objections  
to character

(5) No objection in respect of the character of any applicant shall be entertained unless three days' written notice has been given to the applicant and no protest need be noticed if not made in accordance with this Ordinance.

Objection  
from inspector  
to be stated  
in report

(6) No objection from an inspector shall be entertained unless the nature of the objection shall have been stated in the report furnished to the board.

Board may  
take notice of  
any objection

Applicant to  
be notified

(7) Notwithstanding anything in this Ordinance contained the board may of its own motion whether a protest has been filed or not take notice of any matter or thing which in their opinion would be an objection to the granting of a license. In any such case the board shall notify the applicant and shall adjourn the hearing of the application if requested by him for any period not exceeding fourteen days and not less than seven days or any time fixed with the consent of the applicant in order that any person affected by the objection may have an opportunity of answering the same.

Inspector's  
report may be  
dispensed with

(8) Where the applicant for a hotel license resides in a remote part of the district or when for any other reason the board sees fit they may dispense with the report of the inspector and act upon such information as may satisfy them in the premises. No. 7 of 1897, s. 31.

Decision of  
board final

Provision for  
rehearing

**44.** The decision of the board when once announced by the chairman shall not be questioned or reconsidered: provided nevertheless that in cases where the person or persons affected by such decision petition the board and allege facts and grounds for their consideration not formerly before them or in cases in which the board have not been unanimous the board may by resolution in which all the members concur decide to rehear the case. When a rehearing is allowed notice thereof shall be given by the inspector to the applicant and to at least one of the petitioners or his agent. No. 7 of 1897, s. 32.

Applicant  
refused on  
ground that  
he is not  
fit person

**45.** If an applicant for a license has at any time been refused a license on the ground that he is not a fit person to hold a license no application by such applicant if opposed shall be entertained by any board within a period of two years of the last of such refusals. No. 7 of 1897, s. 33.

#### LICENSE FEES.

License fee

**46.** Every person to whom a license to sell intoxicating liquor shall hereafter be granted shall before receiving such license be required to pay as a fee for such license in addition to any fee required to be paid to the incorporated city or town in which such license has been or is required to be granted, the following duties that is to say:

1. For each hotel license, the sum of \$200;

2. For each wholesale license, the sum of \$200:

Provided that in the case of bottling works where ale or lager beer only is bottled the fee shall be one-half of the fees payable for the wholesale license.



(2) Incorporated cities or towns may by bylaw require each licensee to pay towards their municipal revenue such sums as they may determine not exceeding the amount of Territorial duty payable on such license and the chief inspector shall in no case issue a license until he has received a certificate from the treasurer or clerk of said municipality showing the amount of such fees and that such sum has been paid; such bylaw and every substituted and amended bylaw shall be promptly certified and forwarded to the chief inspector and such bylaw shall continue in force until amended, altered or repealed, without being re-enacted each year.

Fee to city or town under bylaw  
Bylaws to be sent to chief inspector  
Duration of

(3) In all cases where licenses are taken out for a portion only of the year the amount payable to the Territorial treasurer and to the incorporated city or town for license fees under this section shall be a proportionate part only of the amount required for one year. No. 7 of 1897, s. 30.

Proportionate part of annual license fees

#### SECURITY.

47. Before any license is issued the person applying for the same shall enter into a bond to Her Majesty in the sum of \$500 with two good and sufficient sureties to be approved by the board, justifying by affidavit, in the sum of \$250 each, conditioned for the payment of all fines and penalties which such person may be condemned to pay in respect of any offence against this Ordinance to be recovered at the suit of the attorney general by civil process in the ordinary way and such bond shall be in the words or to the effect of form E appended to this Ordinance. No. 7 of 1897, s. 42.

Bonds by licensees

#### CANCELLATION OF LICENSES.

48. The board shall at any time cancel any license upon proof that the conditions necessary to the granting of such license do not exist and also in case it is shown that the licensee is not keeping his premises in accordance with the provisions of this Ordinance and any rules and regulations made thereunder. No. 7 of 1897, s. 40.

Cancellation of licenses

49. The chief inspector may subject to the approval of the Lieutenant Governor in Council at any time upon application by a licensee cancel a license and allow a rebate to such licensee of a portion of the moneys paid for license both to the municipality and to the Territorial treasurer.

Cancellation of licenses by chief inspector

(2) A license may be cancelled under this section on account of the destruction of the premises or for any reason satisfactory to such chief inspector.

(3) In case such rebate is allowed it shall be the duty of the municipality and the Territorial treasurer to refund to such licensee such amount so allowed. No. 7 of 1897, s. 41.

Rebate

#### TRANSFER OF LICENSES.

50. A license issued under the provisions of this Ordinance shall not become void by—

Transfer of licenses

(a) The death of the licensee,

(b) A transfer of the licensee's business to some other person by operation of law,

unless in case of the licensee's death his legal representatives or their assignees or in the case of a transfer as above stated his assignees fail within two months from such death or transfer to obtain the written consent of the chief inspector for the continuance of the business or the transfer of the license in the house or place for which the same issued, and subject to the duties and obligations of the licensee named in the said license for the residue of the term named therein, otherwise the same shall become void.

Report of  
inspector  
to be sent

(2) In every case of transfer of an hotel or wholesale license the person in whose favour any such transfer is to be made shall send to the chief inspector a report of the inspector similar to that mentioned in sections 40 or 41 of this Ordinance as the case may require. No. 7 of 1897, s. 45.

Licensee  
legally  
ejected

**51.** Where a licensee has been legally ejected from any licensed premises the board may, notwithstanding the non-production of the license, on the application in writing of the owner of the premises and the proposed new tenant, if they cannot produce the license, grant a special license to such new tenant in such form as they shall think applicable. such special license to be signed by the chief inspector; provided always that the board shall be satisfied that actual value has been received from said owner by said licensee. No. 7 of 1897, s. 46.

Special license  
to new tenant

Balance of  
term

**52.** The board may by order authorise any person they may think entitled to the benefit of any license to carry on the business in the licensed premises for the remainder of the term for which the license was granted in the same manner as if such license had been formally transferred to such person (provided proof of value received be given as provided in the next preceding section) in the following cases :

Proviso

Desertion  
of premises

1. Whenever any person to whom a license has been granted deserts the licensed premises or refuses or neglects to transfer the license when justly required so to do; or

Vacancy

2. If during the currency of any such license the holder thereof ceases to occupy the premises in respect whereof the license is held or his tenancy of such premises is determined by effluxion of time or by notice to quit or by any other process whatsoever. No. 7 of 1897, s. 47.

After dis-  
qualification  
treating  
matter as in  
case of  
transfer

**53.** Where any licensed person is convicted of any offence and in consequence either becomes personally disqualified or has his license forfeited the board upon application by or on behalf of the owner of the premises in respect of which the license was granted (where the owner is not the occupier) and upon being satisfied that such owner was not privy nor a consenting party to the act of his tenant and that he has legal power to eject the tenant of such premises, may by order authorise an agent to carry on the business specified in the

license relating to such premises until the end of the period for which such license was granted, in the same manner as if such license had been formally transferred to such agent: provided always such owner shall pay as fee for the balance of the term of the license unexpired a proportionate part of the amount required for one year. No. 7 of 1897, s. 48.

**54.** In case of the marriage of any woman being a licensee the license held by her shall confer on her husband the same privileges and shall impose on him the same duties, obligations and liabilities as if such license had been granted to him originally: Marriage of female licensee

Provided that the chief inspector on application of the husband of any such licensee, unless satisfied that no objection can be made to the character of the husband and that he has not forfeited a license within the next preceding three years, may confirm to him his wife's license for the remainder of the term of the duration thereof, of which confirmation a certificate signed by the chief inspector shall be conclusive evidence. No. 7 of 1897, s. 48. Proviso

#### REMOVAL OF LICENSEES.

**55.** The chief inspector may, after order allowing the same by the board, indorse on any hotel or wholesale license, permission to the holder thereof to remove from the house to which his said license applies, to another house to be described in the indorsement to be made by the said inspector on the said license; provided always that the house to which the licensee proposes to remove has all the accommodation required by law and subject to the requirements in the case of an original application for the same kind of a license. Removal to other premises

(2) Such permission when the approval of the said chief inspector is indorsed on said license shall authorise the holder of the said license to sell liquors in the house mentioned in the indorsement during the unexpired portion of the term for which the said license was granted in the same manner and upon the same terms and conditions as he might do in the premises to which the license originally applied; any bond or security which such holder of a license may have given for any purpose in relation to such license shall apply to the house or place to which removal is authorised; but such permission shall not entitle him to sell at any other than such one place. No. 7 of 1897, s. 50. Effect of such permission

**56.** In all cases provided for in sections 50 to 55 hereof, both inclusive, of transfer, removal or change in a license application shall be made in the same manner as if for an original application for a license; the amount of money to be sent with said application shall be the sum of \$10; the chief inspector upon receiving the application from the Territorial treasurer shall proceed as in cases where persons apply at other than the regular time for licenses and the same additional fees must be paid: Application for transfer or removal

## Proviso

Provided nevertheless that if within the time limited for protest no protest has been received by the chief inspector and he is satisfied in other respects that the application should be granted it shall not be necessary for the board to hold a meeting or make a recommendation but the application may be granted upon the authority of the chief inspector alone. No. 7 of 1897, s. 51.

## LICENSES IMPROPERLY OBTAINED.

Powers of  
judge where  
license  
improperly  
obtained

**57.** If within sixty days from the granting of a license or a transfer of a license any person deposits with the clerk of the Supreme Court for the judicial district wherein the licensed premises are situated \$10 as security for costs together with a complaint (verified by affidavit) that the said license or transfer has been obtained by fraud or in violation of any of the provisions respecting licenses, on application the judge may by means of an originating summons investigate and summarily hear and dispose of the complaint and may direct the cancellation of the license or dismiss the complaint and award costs in the same way as costs are awarded in proceedings in the Supreme Court. No. 7 of 1897, s. 52.

## RECORDS AND REPORT OF CHIEF LICENSE INSPECTOR.

**58.** The chief license inspector shall—Register  
of licenses

1. Keep a register to be called the register of licenses containing the particulars of all licenses granted in the district, the premises in respect of which they are granted, the names of the licensees and the names of the sureties to any bond given by any such licensee in pursuance of the provisions of this Ordinance; there shall also be entered on the register all forfeitures of licenses, disqualifications of licensees, records of convictions, and other matters relating to the licenses then on the register:

Record of  
applications

2. Keep a record of all applications made to the commissioners showing the names of the applicants, the nature of the applications, the premises in respect of which the applications are made, the date on which the applications were heard and the manner in which the same were disposed of, including in cases of refusal the cause or causes thereof;

Extracts to  
be furnished

3. On request, forthwith transmit extracts from any such register of licenses or record of application to any other inspector or to the clerk of the court for any judicial district within the Territories;

Chief  
inspector's  
annual report,  
contents of

4. Report annually on the thirtieth day of June to the attorney general and this report shall contain:

- (a) A statement of the number and description of licenses and of the names of applicants to whom licenses were granted during the year;
- (b) The names of applicants to whom licenses were not granted;

- (c) Any other statement required to be entered in the register of licenses ;
- (d) The prosecutions for infractions of this Ordinance and the result of the same ;
- (e) General remarks as to the working of the law within the Territories ; and also
- (f) Any other remarks asked for by the attorney general. No. 7 of 1897, s. 53.

**59.** The report of the chief license inspector shall be submitted to the Legislative Assembly within the first fifteen days of the next session thereof. No. 7 of 1897, s. 54. Report to be submitted to Assembly

#### REGULATIONS. PROHIBITIONS AND PENALTIES.

**60.** All licenses shall be constantly and conspicuously exposed in the warehouses and shops, in the bar rooms of hotels or other places of public entertainment to which the licenses respectively relate, under a penalty of \$5 for every day's wilful or negligent omission so to expose them, and in default of payment one week's imprisonment for every day of such omission. No. 7 of 1897, s. 55. License to be exposed

**61.** Every person keeping a licensed hotel or wholesale liquor store shall during the continuance in force of such license exhibit and keep exhibited on the outside and over a front door of the licensed premises in large letters the words "licensed to sell spirituous or fermented liquors." No. 7 of 1897, s. 56. Placard over door

**62.** No payment of wages to any workman or other person shall be made on any licensed premises except by the licensee to his ordinary servants or employees ; any such payment made in contravention of this section shall not operate to discharge the debt of the employer in respect of such wages to such workman or other person. No. 7 of 1897, s. 57. Payment of wages on licensed premises

**63.** Not more than one bar shall be kept in any house or premises licensed under this Ordinance. No. 7 of 1897, s. 58. One bar only

**64.** In all places where intoxicating liquors are licensed to be sold by retail no sale or other disposal of liquors shall take place therein or on the premises thereof, or out of or from the same to any person or persons whomsoever save as hereinafter provided from or after the hour of seven of the clock on Saturday night till seven of the clock on Monday morning thereafter, nor from or after the hour of half-past eleven o'clock at night until six o'clock the following morning on the other nights of the week as respects all places where liquors are licensed to be sold by wholesale no sale or other disposal of liquors shall take place therein or on the premises thereof or from or out of the same to any person or persons whomsoever nor shall the premises in respect of which the license is issued be kept open from or after the hour of seven o'clock on Satur-

Exception day night until seven o'clock on Monday morning thereafter and from eight o'clock at night until seven o'clock in the morning on the other nights of the week save and except as to both retail and wholesale places in cases where a requisition for medical purposes signed by a licensed medical practitioner or by a licensed druggist or by a justice of the peace is furnished the licensee or his agent; nor shall any liquor whether sold or not be permitted or allowed to be drunk in any such places during the time prohibited by this Ordinance for the sale of the same:

Proviso Provided that in hotels and restaurants compelled by law to give meals liquor may be sold during meals on Sundays to the guests *bona fide* residing or boarding in such houses between the hours of one and three and five and seven in the afternoon respectively to be drunk at their meals at the table; but this provision shall not permit the furnishing of liquor at the bar or place where liquor is usually sold in such houses.

No sale during election or during times when bar should be closed (2) No sale or other disposal of liquor shall take place in any licensed place within the limits of a polling subdivision on any polling day for the election of a member for the Legislative Assembly or any municipal elections or any day in which a vote in accordance with the provisions of this Ordinance or any other Ordinance of the Legislature of the Territories is being taken from or after the hour of six o'clock in the morning of the said day until the close of the poll; or at or during any time when by law in force in the Territories or by bylaw in force in the municipality wherever such place or places is or are or may be situated the same or the bar room or bar rooms thereof ought to be kept closed.

Persons found in bar rooms in prohibited hours (3) Every person found in a bar room or a room where liquors are usually sold upon licensed premises at any time between the hours of seven of the clock on Saturday night and seven of the clock on the Monday morning thereafter or between the hours of half-past eleven of the clock at night and six of the clock the following morning on the other nights of the week shall be liable on summary conviction thereof to a fine of \$10 and costs of prosecution and in default of payment thereof forthwith to imprisonment for ten days:

Penalty Provided that nothing in this section shall prevent an hotel keeper, his wife or regular employee from entering such bar room or room for the sole purpose of procuring liquor ordered by guests to be used with their meals on Sunday as allowed by the provisions of this section.

Proviso (4) Except as is herein otherwise provided no bar room or room in which liquors are usually sold in a licensed hotel shall be kept open at any time during the hours when the sale or other disposal of liquors is prohibited.

Bar rooms to be closed during prohibited hours (5) Any contravention of the provisions of this section by a servant, agent or employee of a licensee shall be presumed to be the act of such licensee. No. 7 of 1897, s. 59.

Contravention by servant

Bar room, connection with other **65.** There shall be no connection between the bar room and other portion of the premises in any licensed hotel by means

of windows, wickets, elevators, chutes, openings of any kind or sliding, folding or other kind of doors except doors opening directly out of the bar room into the same public hall or office of the licensed premises and a door or trap leading from behind the bar into the cellar. No. 7 of 1897, s. 60 ; No. 40 of 1898, s. 12.

**66.** In any licensed hotel full view of the interior of the bar room shall not during prohibited hours be obstructed by means of screens, shades, blinds or frosted, ground or coloured windows. No. 7 of 1897, s. 61.

**67.** No billiard, pool or other tables shall be permitted in the bar room of any licensed hotel ; no liquor shall be sold or supplied in any room in any licensed premises set apart or used for such games. No. 7 of 1897, s. 62.

**68.** No license shall be granted in respect of any premises in which the provisions of section 65 hereof have not been complied with. No. 7 of 1897, s. 63.

**69.** Every licensed hotel keeper who either personally or through anyone acting on his behalf except for some valid reason refuses to supply lodging, meals or accommodation to travellers at a reasonable rate shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$20 and in default of payment one month's imprisonment. No. 7 of 1897, s. 64.

**70.** If any hotel keeper licensed under this Ordinance receives in payment or as a pledge for any liquor supplied in or from his licensed premises anything except current money or the debtor's own cheque on a bank or banker he shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$20 ; and the person giving anything as a pledge as aforesaid may recover the same or the value thereof in any court of competent jurisdiction notwithstanding such pledge ; no hotel keeper shall receive payment in advance for any liquor to be supplied and the amount of any payment so made in advance may be recovered notwithstanding that any liquor may have been supplied subsequently to such payment. No. 7 of 1897, s. 65.

**71.** Any licensee who purchases from any other person anything either by way of sale or barter directly or indirectly the consideration for which in whole or in part is any intoxicating liquor or the price thereof or receives from any person any goods in pawn for liquor shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty of \$20 and in default of payment forthwith after conviction to imprisonment for any term not exceeding one month and such purchase or pledge shall be absolutely void and the property so sold or pledged may be recovered by the seller or pledgor by civil process :

## Proviso

Provided always that none of the provisions of this section shall apply to transactions between parties holding respectively wholesale and retail licenses under the provisions of this Ordinance. No. 7 of 1897, s. 66.

Gambling,  
disorderly  
conduct, etc.,  
prohibited

**72.** Any licensee who permits gambling, drunkenness, or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises, or sells or delivers any intoxicating liquor to any drunken person, or permits and suffers any drunken person to consume any intoxicating liquor on his premises, or permits or suffers persons of notoriously bad character to assemble or meet on his premises shall (in addition to any other punishment provided by law) be guilty of an offence and on summary conviction thereof be liable to a penalty of not less than \$25 nor more than \$50, and in default of payment forthwith after conviction to not less than one nor more than two months' imprisonment. No. 7 of 1897, s. 67.

Games of  
chance, etc.,  
prohibited

**73.** Every description of gaming, playing at cards, dice or any game of chance, with betting or with a view to determine as to who shall pay for any liquor consumed or to be consumed, is hereby strictly forbidden and prohibited in any licensed premises in the Territories, and any proprietor, owner or licensee of any such place allowing any description of gaming as aforesaid therein, and any person found in any such place engaged in any description of gaming as aforesaid, shall be guilty of an offence and on summary conviction thereof be liable to a fine of not less than \$20 nor more than \$50 for every such offence, and in case of default of payment forthwith after conviction to be imprisoned for a term not less than one month nor more than two months.

## Arrest on view

(2) Any proprietor, owner or licensee of any such place allowing any description of gaming as aforesaid thereon and any person in any such place engaged in any description of gaming as aforesaid shall be liable to be arrested on view and brought before any justice and dealt with as above provided. No. 7 of 1897, s. 68.

Penalty for  
harbouring  
constable

**74.** Any licensee who knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time for such constable to be on duty (unless for the purpose of keeping or restoring order or in the execution of his duty) or supplies any liquor by way of gift or sale to any constable on duty unless by authority of some superior officer of such constable or bribes or attempts to bribe any constable shall be guilty of an offence and on summary conviction thereof be liable to a penalty of not less than \$25 nor more than \$50 and in default of payment forthwith after conviction to not less than one nor more than two months' imprisonment. No. 7 of 1897, s. 69.

Intoxicated  
persons may  
be refused  
admittance  
or expelled

**75.** Any licensee may refuse to admit to the premises in respect of which his license is granted any person who is intoxicated and may refuse to admit to and may turn out of the



premises any person who is violent or quarrelsome or disorderly and any person whose presence on his premises would subject the licensee to a penalty under this Ordinance; and any such person who upon being requested in pursuance of this section by such licensee or his agent or servant or any constable to quit such premises refuses or fails to do so shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$5 and in default of payment forthwith after conviction to one week's imprisonment; and all constables are required on demand of such licensee, his agent or servant to expel or assist in expelling every such person from such premises and may use such force as may be necessary for that purpose. No. 7 of 1897, s. 70.

**76.** Every person who makes or uses or allows to be made or used any internal communication between any licensed premises and any unlicensed premises which are used for public entertainment or resort or as a refreshment house shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$50 for every day during which such communication remains open and in default of payment forthwith after conviction for every day as aforesaid to one month's imprisonment. No. 7 of 1897, s. 71.

**77.** Any licensee who allows to be supplied in his licensed premises by purchase or otherwise any description whatever of liquor to any person under the age of eighteen years, of either sex, shall as well as the person who actually gives or supplies the liquor be guilty of an offence and on summary conviction thereof be liable to pay a penalty of \$25 for a first offence and in default of payment forthwith after conviction to one month's imprisonment; and for a second like offence to a penalty of \$50 with absolute forfeiture of license and in default of payment forthwith after conviction to two months' imprisonment and absolute forfeiture of license.

(2) Any hotel licensee who knowingly allows any male under the age of eighteen years or any female to dispose of any form of intoxicants on the premises for which such license is granted shall be liable to all the penalties provided for in this section, provided that this shall not apply to female licensees or the wife of a licensee. No. 7 of 1897, s. 72.

**78.** No person shall recover or be allowed to set-off any charge for intoxicating liquors in any quantity less than one gallon delivered at one and the same time; and specialties, bills, notes, agreements or accounts stated, given or made in whole or in part for or to secure any such charge shall be void; but nothing herein contained shall extend to any charge made by an hotel licensee against any boarder or traveller; it shall not be necessary for any person taking advantage of this section to plead the same specially but he may raise the objection at any stage of the case.

(2) No person resident within one mile of such hotel or licensed premises shall be considered a traveller within the meaning of this section. No. 7 of 1897, s. 73.

Suicide or  
accidental  
death while  
intoxicated,  
person  
supplying  
liquor liable  
to action

**79.** Whenever in any hotel or other house or place where intoxicating liquors of any kind are sold, whether legally or illegally, any person has drunk to excess of intoxicating liquor of any kind therein furnished to him and while in a state of intoxication from such drinking has come to his death by suicide or drowning or perishing from cold or other accident occasioned by such intoxication the person whether the keeper or employee of such hotel, house or other place who delivered to such person the liquor whereby such intoxication was caused shall be liable to an action as for personal wrong at the suit of the legal representatives of the deceased person if such action be brought within three months after such decease but not otherwise; and by such action may recover such sums not less than \$100 nor more than \$1,000 as may therein be assessed by the court or judge or jury as damages; the keeper of such hotel or other house or place and also any other person or persons who for him or in his employ delivered to such person the liquor whereby such intoxication was caused shall be jointly and severally liable to an action as for personal wrong at the suit of the legal representatives of the deceased person if such action be brought within three months after such decease but not otherwise and such legal representatives may bring either a joint and several action against them or a several action against any or either of them and by such action or actions may recover such sums not less than \$100 nor more than \$1,000 in the aggregate of any such actions as may therein be assessed as damages; and in the event of final judgment being recovered against any licensee in any action under this section the license of such licensee shall thereupon be forfeited and thereafter be null and void. No. 7 of 1897, s. 74.

Liquor  
consumed on  
premises of  
wholesale  
licensee,  
liquor sold to  
illicit dealer  
Penalty for

**80.** Any person on summary conviction of any of the following offences shall be liable to a penalty of \$50 and in default of payment forthwith after conviction to two month's imprisonment:

1. Any wholesale licensee who allows any liquor sold by him or in his possession and for the sale of which a license is required, to be consumed within his warehouse or within any building of which such warehouse forms part or which communicates by any entrance with such warehouse, either by the purchaser thereof or by any other person not usually resident within such building;

2. Any person who sells liquor by wholesale to any person who he knows or has reason to believe is selling liquor without a license;

3. Any licensee licensed to sell liquors not to be consumed on the premises who takes or carries or employs or suffers any other person to take or carry any liquor out of or from the premises of such licensee for the purpose of being sold on his account or for his benefit or profit and of being consumed in any other house or in any tent, shed or other building of any kind whatever belonging to such licensee or hired, used or occupied by him.

(2) In any proceeding under this section it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to, were hired, used or occupied by the seller if proof be given to the satisfaction of the court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license. No. 7 of 1897, s. 75. Evidence in proceeding

**81.** No person shall sell by wholesale or by retail or shall keep or have in any house or other place whatsoever any liquor for the purpose of selling, bartering or trading therein without having first obtained a license authorising him so to do; and any sale or other disposal of liquor by any association, body of persons or club not incorporated by special Ordinance of the Territories or by the servant or agent thereof to the members thereof or to any other person without such license shall be a violation of section 85 of this Ordinance: Sale without license prohibited

Provided that the provisions of this section shall not prevent any chemist or druggist duly registered as such from keeping, having and, subject to the further provisions of this section, selling liquors for strictly medicinal or mechanical purposes; but no such sale for medicinal purposes shall be made in packages of more than six ounces at any one time except under certificate from a registered medical practitioner; and it shall be the duty of every such chemist or druggist to record in a book to be open to the inspection of the board or inspectors every sale or other disposal by him of liquor; and such record shall show as to every such sale or disposal the time when, the person to whom and the quantity in which such liquor is sold and the certificate of the medical practitioner, if any; and in default of sale or disposal being so placed on record every such sale or disposal shall *prima facie* be held to be in contravention of the provisions contained in this section; Proviso Chemists and druggists may sell for medicinal purposes

Provided that any wholesale druggist may without license sell any alcohol wood spirit; Proviso

Provided further that any wholesale druggist may without license sell to any legally qualified druggist or physician any kind of alcohol not exceeding ten gallons and any kind of wine or brandy not exceeding five gallons at any one time;

Provided further that any qualified druggist may sell to any person any combination of alcohol with any drug made according to any formula of the British or United States pharmacopœia;

Provided always that no person authorised to sell liquors as provided by this section shall allow any liquors sold by him or on his premises to be consumed within his shop or the premises of which such shop forms part.

(2) Any chemist or druggist who colourably for medicinal purposes sells liquor to be consumed by any person as a beverage shall on summary conviction thereof be liable to a penalty of \$50 and in default of payment forthwith after conviction to one month's imprisonment. No. 7 of 1897, s. 79. Penalty for evading Ordinance

**82.** Violation of any of the provisions of section 64 hereof Penalty for

selling during  
prohibited  
hours

shall be an offence for which the person violating shall be liable on summary conviction:

For the first offence to a penalty of not less than \$50 or more than \$100 and in default of payment forthwith after conviction to not less than two months' or more than four months' imprisonment;

For the second or any subsequent offence to a penalty of not less than \$100 or more than \$200 with absolute forfeiture of license and in default of payment forthwith after conviction to not less than four nor more than six months' imprisonment with absolute forfeiture of license. No. 7 of 1897, s. 81.

Penalty for  
medical  
practitioner  
evading  
Ordinance

**83.** Any medical practitioner who colourably for medical purposes gives a certificate or requisition without which liquor could not lawfully be obtained in quantities of more than six ounces, to enable or for the purpose of enabling any person to obtain liquor to drink as a beverage shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$50 and in default of payment forthwith after conviction to one month's imprisonment. No. 7 of 1897, s. 82.

Allowing  
liquor to be  
consumed on  
premises not  
licensed  
therefor

**84.** Any person not licensed to sell liquor to be drunk on the premises who allows or permits liquor purchased from him to be drunk on the licensed premises shall be guilty of an offence and on summary conviction thereof (unless it is made to appear to the justice before whom the offence is charged that such drinking was without his privity or consent) shall be liable to the following penalties;

For the first offence, a penalty of \$50 and, in default of payment forthwith after conviction, one month's imprisonment;

For a second offence, a penalty of \$100 with absolute forfeiture of license and, in default of payment forthwith after conviction, imprisonment for three months and absolute forfeiture of license.

(2) For the purpose of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold if belonging to the seller of the liquor or under his control or used by his permission.

(3) Any purchaser of liquors in a house or premises to which a wholesale license applies who drinks or causes any one to drink or allows liquor to be drunk in the premises where the same has been purchased shall be liable to the penalty and punishment set forth in this section. No. 7 of 1897, s. 83.

Penalty for  
selling liquor  
without a  
license

**85.** Any person who sells or barter liquor of any kind without the license therefor by law required shall be guilty of an offence and on summary conviction thereof:

For the first offence be liable to a penalty of not less than \$50 nor more than \$250 and in default of payment forthwith after conviction to not less than two months' nor more than six months' imprisonment;

For a second offence be liable to a penalty of not less than \$200 nor more than \$500 and in default of payment forthwith after conviction to not less than three months' nor more than twelve months' imprisonment;

For a third or subsequent offence be liable to a penalty of not less than \$500 nor more than \$1,000 and in default of payment forthwith after conviction to not less than nine months' nor more than two years imprisonment. No. 7 of 1897, s. 84.

**86.** Every person who by falsely representing himself to be a lodger or traveller buys or obtains or attempts to buy or obtain at any premises any liquor during the period when such premises are required to be closed as to the sale thereof in pursuance of this Ordinance shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty of \$20 and in default of payment forthwith after conviction to one month's imprisonment. No. 7 of 1897, s. 89.

False pretences to obtain liquor

**87.** Neither the chief inspector nor any inspector of any license district shall either directly or indirectly receive, take or have any money whatsoever for any license, report, matter or thing connected with or relating to any grant of any license or receive, take or have any note, security or promise for the payment of any such money or any part thereof from any person or persons whatsoever; and any person or persons guilty of or concerned in or party to any act, matter or thing contrary to the provisions of this section shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$200 and in default of payment forthwith after conviction to imprisonment for three months. No. 7 of 1897, s. 90.

Inspector shall not receive bribe  
Penalty

**88.** Any commissioner, inspector, officer or other person who contrary to the provisions of this Ordinance knowingly issues or causes or procures to be issued any liquor license or a certificate therefor shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$250 and in default of payment forthwith after conviction to imprisonment for six months. No. 7 of 1897, s. 91.

Penalty for causing illegal issue of license

**89.** Any person who having or being charged with having violated any of the provisions of this Ordinance, compromises, compounds or settles or offers or attempts to compromise, compound or settle the offence with any person or persons with the view of preventing any complaint being made in respect thereof or, if a complaint has been made, with the view of getting rid of such complaint or of stopping or having the same dismissed for want of prosecution or otherwise shall be guilty of an offence and on summary conviction thereof be liable to incur a penalty of \$100 and in default of payment forthwith

Penalty for compounding offences

after conviction to imprisonment for two months. No. 7 of 1897, s. 92.

Penalty for  
being party to  
composition

**90.** Every person who is concerned in or is a party to the compromise, composition or settlement mentioned in the next preceding section shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$50 and in default of payment forthwith after conviction to one month's imprisonment. No. 7 of 1897, s. 93.

Penalty for  
assisting to  
avoid arrest

**91.** Any one knowing or having reason to believe that an order to commit to gaol has been issued against any person under this Ordinance who prevents the arrest of such person or procures or facilitates by any act or counsel or in any other manner whatsoever his avoidance of arrest or who provides such person with the means of avoiding arrest shall be guilty of an offence and on summary conviction thereof be liable to a penalty of \$50 and in default of payment forthwith after conviction to two months' imprisonment in addition to any other penalty provided by law. No. 7 of 1897, s. 94.

Convictions  
operating  
as forfeiture

**92.** Every second conviction for any offence against the provisions of sections 77 and 80 hereof, and every conviction for an offence against the provisions of the said sections when there has been a previous conviction for an offence against the provisions of any other of them, and every third conviction for an offence against the provisions of this Ordinance or any of them shall operate as a forfeiture of the license of the offender when not otherwise provided. No. 7 of 1897, s. 95.

Penalty for  
offences not  
specially  
provided for

**93.** Every person who shall violate any of the provisions of this Ordinance for which violation no penalty is herein specially provided shall be guilty of an offence and on summary conviction thereof be liable to a penalty of not less than \$50 nor more than \$100 and in default of payment forthwith after conviction to imprisonment for not less than one month nor more than four months.

(2) The license of any licensee convicted of any violation of the provisions of section 94 of an Act of the Parliament of Canada intituled *An Act respecting Indians* and any amendments thereto shall upon such conviction be forfeited and thereafter be null and void. No. 7 of 1897, s. 96.

Contravention  
of Ordinance  
by employee  
of licensee

**94.** Any contravention of any of the provisions of this Ordinance by any servant, agent or employee of a licensee shall be presumed to be the act of such licensee but except in the case of prosecutions under sections 64 hereof such presumption may be rebutted by proof of explicit instructions to the contrary by such licensee, and any such servant, agent or employee contravening any of the provisions of this Ordinance and disobeying any such explicit instructions shall be liable on summary conviction to imprisonment for not less than ten days or more than three months without the option of a fine. No. 7 of 1897, s. 97.

**95.** Except as provided in the preceding section the occupant of any house, shop, room or other place in which any sale, barter or traffic of liquors, or any matter, act or thing in contravention of any of the provisions of this Ordinance has taken place shall be personally liable to the penalty prescribed for such offence, as the case may be, notwithstanding such sale, barter or traffic be made by some other person who cannot be proved to have so acted under or by the directions of such occupant; and proof of the fact of such sale, barter or traffic or other act, matter or thing by such person in the employ of such occupant or who is suffered to remain in or upon the premises of such occupant or to act in any way for such occupant shall be conclusive evidence that such sale, barter or traffic or other act, matter or thing took place with the authority and by the direction of such occupant. No. 7 of 1897, s. 115.

Occupant of premises liable

**96.** Every licensee failing to post up a synopsis of this Ordinance on being requested to do so by the inspector shall be guilty of an offence and on summary conviction thereof be liable to forfeit \$25; such synopsis shall be printed in such languages as the board may direct. No. 7 of 1897, s. 101.

Failure to post synopsis of Ordinance

#### POWERS OF INSPECTORS AND OFFICERS.

**97.** Any police officer, policeman or constable or inspector of licenses shall for the purpose of preventing or detecting the violation of any of the provisions of this Ordinance which it is his duty to enforce, at any time have the right to enter into any and every part of any hotel or other place wherein refreshments or liquors are sold or reputed to be sold whether under license or not and to make searches in every part thereof and of the premises connected therewith as he may think necessary for the purpose aforesaid.

Officers may enter and search premises

(2) Every person being therein or having charge thereof who refuses or fails to admit such police officer, policeman, constable or inspector demanding to enter in pursuance of this section in the execution of his duty or who obstructs or attempts to obstruct the entry of such police officer, policeman, constable or inspector or any such searches as aforesaid shall be guilty of an offence and on summary conviction thereof be liable to a fine of \$50 and in default of payment forthwith after conviction to one month's imprisonment in addition to any other punishment in such case provided. No. 7 of 1897, s. 77.

Penalty for refusing admittance to officers

**98.** Any justice if satisfied by information on the oath of any police officer, policeman, constable or inspector that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale or disposal contrary to the provisions of this Ordinance in any unlicensed house or place within his jurisdiction may in his discretion grant a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant at any time or times within ten days from the date thereof to enter if need be by

Search warrant

force the place named in the warrant and every part thereof and of the premises connected therewith and to examine the same and search for liquor therein ; and for such purpose such person may if necessary with such assistance as he deems expedient break open any door, lock or fastenings of such premises or any part thereof or of any closet, cupboard, box or other article suspected to contain any such liquor ; and in the event of any liquor being so found unlawfully kept on the said premises the occupant thereof shall until the contrary is proved be deemed to have kept such liquor for the purposes of sale contrary to the provisions of section 81 of this Ordinance and may be arrested by such officer or person having the warrant for search as aforesaid and any person so arrested shall be liable to be charged and dealt with as provided under this Ordinance and may be fined or imprisoned therefor as provided in section 93 of this Ordinance.

Seizure and  
forfeiture of  
liquor and  
vessels

(2) When any inspector, policeman, constable or officer in making or attempting to make any search under or in pursuance of the authority conferred by section 97 of this Ordinance or under the warrant mentioned in this section finds in an unlicensed house or place any liquor which in his opinion is unlawfully kept for sale or disposal contrary to this Ordinance he may forthwith seize and remove the same and the vessels in which the same is kept and upon the conviction of the occupant of such house or place or any other person for keeping liquor for sale in such house or place without license the justice making such conviction may in and by the said conviction or by a separate and subsequent order declare the said liquor and vessels or any part thereof to be forfeited to Her Majesty to be sold or otherwise disposed of as the attorney general may direct ; and the proceeds of any such sale shall be forthwith transmitted to the Territorial treasurer to form part of the general revenue fund. No. 7 of 1897, s. 78.

Authority of  
police officers,  
policemen and  
constables

**99.** Police officers, policemen and constables shall have full authority to enforce any of the provisions of this Ordinance. No. 7 of 1897, s. 125.

#### PROSECUTIONS.

Time for  
prosecutions

**100.** Prosecutions for offences created by this Ordinance shall be instituted within six months after the commission of the alleged offence. No. 7 of 1897, s. 98.

Description  
of offences

**101.** The description of any offence under this Ordinance in the words of this Ordinance or in words of like effect shall be sufficient in law ; and any exception, exemption, provision, excuse or qualification, whether it does or does not accompany the description of the offence in this Ordinance, may be proved by the defendant but need not be specified or negatived in the information ; but if it be so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant. No. 7 of 1897, s. 99.

Negating  
exemptions



**102.** Several charges of contravention of this Ordinance committed by the same person may be included in one and the same information or complaint; provided that such information and complaint and the summons issued thereon contains specifically the time and place of each contravention. No. 7 of 1897, s. 100. Several offences charged in one complaint

**103.** In describing the offences respecting the sale or other disposal of liquor or the keeping or the consumption of liquor in any information, summons, conviction, warrant or proceeding under this Ordinance it shall be sufficient to state the sale, disposal, keeping or consumption of liquor simply without stating the name or kind of such liquor or the price thereof or the name of any person to whom it was sold or disposed of or by whom it was consumed; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity as the case may require. No. 7 of 1897, s. 102. Describing offences in informations etc.

**104.** The forms set forth in schedule 2 to this Ordinance, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for; and when no forms are prescribed by the said schedule they may be framed in accordance with *Part LVIII of The Criminal Code 1892*. No. 7 of 1897, s. 103. Forms

**105.** The proceedings upon informations for an offence against any of the provisions of this Ordinance, in a case where a previous conviction is charged, shall be as follows: Proceedings where previous conviction charged

1. The justice shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof he shall then and not before be asked whether he was so previously convicted as alleged in the information and if he answers that he was so previously convicted he shall be sentenced accordingly; but if he denies that he was so previously convicted or does not answer such question, the justice shall then inquire concerning such previous conviction or convictions; Charge for subsequent offence to be tried first

2. Such previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of the convicting justice or the clerk of the court to whose office the conviction has been returned, without proof of signature or official character; Proof of previous conviction

3. In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof by reason of any previous conviction being set aside, quashed or otherwise rendered void the justice by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named and shall thereupon upon proof of the due service of such summons if such person fails to appear, or on his appearance, Subsequent conviction if former quashed may be amended

amend such second or subsequent conviction and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes, as if it had been made in the first instance :

Convictions  
under s. 92

4. In case any person who has been convicted of a contravention of any provision of any of the sections of this Ordinance mentioned in section 92 hereof is afterwards convicted of an offence against any provision of any of the said sections such conviction shall be deemed a conviction for a second offence within the meaning of the said section and shall be dealt with and punished accordingly although the two convictions may have been under different sections. No. 7 of 1897, s. 104.

Conviction  
for several  
offences

**106.** Convictions for several offences may be made under this Ordinance although such offences may have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days and after information laid for a first offence. No. 7 of 1897, s. 105.

Commissioner  
or inspector  
not to act as  
J. P., etc.

**107.** No member of the board of license commissioners or inspector of licenses who is a justice shall try and adjudicate upon any complaint for an infraction of any of the provisions of this Ordinance committed within the Territorial limits for which he is a commissioner or inspector. No. 7 of 1897, s. 106.

Record of  
conviction to  
be indorsed  
on license

**108.** Whenever a licensee is convicted of any offence against the provisions of this Ordinance a record thereof shall be indorsed on the license of the person convicted and the following provisions shall have effect, that is to say :

Production  
of license

1. The justice before whom any licensed person is accused shall require such person to produce and deliver to him the license under which such person carries on business and the summons shall state that such production will be required ;

Indorsement

2. If such person is convicted the justice convicting shall cause the short particulars of such conviction and the penalty imposed to be indorsed on his license before it is returned to the offender; and such record shall be *prima facie* evidence of such conviction where such is subsequently required ;

Entry in  
register

3. The chief inspector shall enter the particulars respecting such conviction or such of them as the case may require in the register of licenses kept by him under this Ordinance and all justices shall notify the chief inspector in writing of any convictions they have made ;

Where effect  
is forfeiture  
chief inspector  
to be notified

4. Where the conviction of any such person has the effect of causing the forfeiture of the license or of disqualifying any person for the purposes of this Ordinance the license shall be forwarded by the justice with notice of such forfeiture or disqualification to the chief inspector. No. 7 of 1897, s. 107.

Certificate of  
conviction

**109.** The justice on any conviction of a licensee for an

offence against this Ordinance shall send forthwith to the chief inspector a certificate of such conviction. No. 7 of 1897, s. 108.

**110.** For the additional duties imposed by the two next preceding sections the justice shall be entitled to charge as costs in the proceedings the following sums : Costs allowed to justice

1. For making up and forwarding certificate of conviction to the chief inspector the sum of fifty cents ;

2. For recording the conviction on the license the sum of fifty cents. No. 7 of 1897, s. 109.

**111.** When not otherwise provided a third conviction of a licensee for any violation or contravention of the provisions of this Ordinance shall *ipso facto* operate as a forfeiture of his license and disqualify the person convicted from obtaining a license for three years thereafter. Third conviction forfeits license and disqualifies No. 7 of 1897, s. 110.

#### EVIDENCE, ETC.

**112.** In any prosecution or proceeding under this Ordinance in which proof is required respecting any license or interdiction order, a certificate purporting to be under the hand of the chief inspector shall be *prima facie* proof of the existence of such license or interdiction order and of the identity of the person to whom the license was granted or transferred, or against whom the order was made ; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated and of the authority of the chief inspector without any proof of his appointment or signature. Certificate of chief inspector No. 7 of 1897, s. 111.

**113.** Any regulation made by the board shall be sufficiently authenticated by being signed by them and a copy of such regulation written or printed and certified to be a true copy by them or one of them shall be deemed authentic and be received as *prima facie* evidence in any court of justice without proof of the signature or signatures unless it is specially pleaded or alleged that the signature or signatures to any such original resolution have been forged and evidence of such forgery has been adduced by the person accused sufficient in the opinion of the court to make the proving of the signature or signatures advisable. Proof of regulations No. 7 of 1897, s. 112.

**114.** Any house, shop, room or other place in which it is proved that there exists a bar, counter, beer pumps, kegs, jars, decanters, tumblers, glasses or any other appliances or preparations similar to those usually found in hotels and shops where liquors are accustomed to be sold or trafficked in shall be deemed to be a place in which liquors are kept or had for the purpose of being sold, bartered or traded in, in contravention of section 81 of this Ordinance unless the contrary is proved by the defendant in any prosecution ; and the occupant of such house, shop, room or other place shall be taken to be the person Appliances of liquor trade evidence

who has or keeps therein such liquors for sale, traffic or barter therein. No. 7 of 1897, s. 113.

Proof of  
contravention

**115.** In proving the sale or disposal, gratuitous or otherwise, or consumption of liquor, for the purposes of any proceeding relative to any offence under this Ordinance it shall not be necessary to show that any money actually passed or any liquor was actually consumed, if the justice or justices hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal actually took place or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises in respect to which a license is required under this Ordinance by some person other than the occupier of the premises shall be evidence that such liquor was sold to the person consuming or being about to consume or carrying away the same as against the occupant of the said premises. No. 7 of 1897, s. 114.

Precise  
description of  
liquor  
unnecessary

**116.** In any prosecution under this Ordinance for the sale or other disposal of liquor without the license required by law it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor. No. 7 of 1897, s. 116.

What *prima  
facie* evidence  
of sale

**117.** The fact of any person not being a licensee keeping up any sign, writing, painting or other mark in or near to his house or premises or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor or that liquor is sold or served therein or that there is on such premises more liquor than is reasonably required for the persons residing therein shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person. No. 7 of 1897, s. 117.

Proof of  
licenses

**118.** The production of a license which on its face purports to be duly issued and which were it duly issued would be a lawful authority to the defendant for such an act of omission shall be *prima facie* evidence that the defendant is so authorised; and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine. No. 7 of 1897, s. 118.

#### COSTS TO INSPECTORS.

Costs allowed  
inspector  
attending  
court as  
prosecutor  
or witness

**119.** In any prosecution under this Ordinance if an inspector attends the court as prosecutor or witness it shall be lawful for the justice trying the case to order the defendant in case of a conviction to pay to the inspector the following costs:

- (a) In case he travels by railway or stage the fares actually to be paid by him;
- (b) If he travels by a hired conveyance the sums actually required to be paid by him for conveyance, stabling and feed;

- (c) If he travels in his own conveyance, ten cents per mile each way ;
- (d) To cover all other expenses, \$2 per day actually occupied in going to, attending at and returning from the trial ;
- (e) In cases of adjournment at the instance of the defendant similar additional allowances to be made when the inspector is actually in attendance.

(2) The foregoing expenses shall be verified by the oath of the inspector.

(3) In case the person convicted does not pay such costs but is committed to gaol in default of payment the inspector shall be entitled to be paid the amount out of the general revenue fund.

(4) In cases of prosecution by inspectors when no conviction is procured, upon the written certificate of the justice trying a case that there were reasonable grounds for the prosecution the inspector shall be entitled to be paid the said costs out of the general revenue fund.

(5) This section shall not apply to any inspector who receives salary in lieu of all other charges and expenses. No. 7 of 1897, s. 119.

#### INTERDICTION.

**120.** When complaint has been made to a justice that any person by excessive drinking of liquor misspends, wastes, or lessens his estate or greatly injures his health or endangers or interrupts the peace and happiness of his family, the said justice shall institute proceedings under part *LVIII* of *The Criminal Code 1892* against such person and on finding the complaint well founded shall by order in form J appended hereto, forbid every licensed person in the Territories to sell him liquor for the space of one year. No. 7 of 1897, s. 85.

**121.** Immediately after granting the order provided for in the next preceding section the justice making the same shall transmit it together with the complaint and any evidence taken thereon before him to the chief inspector who thereupon shall transmit by registered post or deliver a notice in form K appended hereto to all licensees whose premises are in the locality where such interdicted person lives.

(2) Whenever the sale of liquor to any such drunkard shall have been so prohibited any person with a knowledge of such prohibition who gives, sells, purchases or procures any liquor for or on behalf of such prohibited person or for his or her use such other person shall be guilty of an offence and upon summary conviction thereof shall be liable for every such offence to a penalty not less than \$50 nor more than \$200 and, in default of payment forthwith after conviction, to not less than two months' nor more than twelve months' imprisonment, and if a licensee his license shall be forfeited. No. 7 of 1897, s. 86.

Certain persons may require inspector to give interdiction notice

**122.** The following persons, viz.—

- (a) Any husband or wife whose wife or husband has contracted the habit of drinking intoxicating liquors to excess ;
- (b) The person himself or the father, mother, brother, sister, curator, guardian or employer of any person who has contracted the habit of drinking intoxicating liquors to excess ;
- (c) The manager or person in charge of an asylum or hospital or other charitable institution in which any person who has contracted the habit of drinking intoxicating liquors to excess resides or is kept ;
- (d) The curator or committee of any lunatic ; or
- (e) The father, mother, brother or sister of the husband or wife of any person who has contracted the habit of drinking intoxicating liquors to excess ;

may require the inspector for the district to give notice in writing in form L appended hereto, signed by him, to every licensee in the license district and in any other license district adjacent thereto that he is not to sell or deliver any liquor to the person named.

Examination of interdicted person as witness

(2) In any prosecution or proceedings under this and the next preceding sections no interdicted person required to be examined as a witness shall be excused from being so examined or from answering any question put to him touching the sale or delivery to him of any liquor on the ground that his evidence will tend to criminate himself ; and any such person so required to be examined as a witness who refuses to make oath accordingly or to answer any such question shall be subject to be dealt with in all respects as any person appearing as a witness before any justice or court and refusing without lawful cause or excuse to be sworn or give evidence may by law be dealt with ; and every person so required to be examined as a witness who upon such examination makes true disclosure to the best of his knowledge of all things as to which he is examined shall receive from the justice before whom such proceeding is had a certificate in writing to that effect and shall be freed from all prosecutions and from all penalties and punishments to which he has become liable for anything done before that time under the provisions of section 123 of this Ordinance in respect of the matters regarding which he has been examined ; and any prosecution or proceeding pending or brought against such witness under the provisions of section 123 hereof in respect of any matter regarding which he has been so examined shall be stayed upon the production and proof of such certificate if the said certificate states that such witness made a true disclosure in respect to all things as to which he was examined.

Penalty for supplying liquor to interdicted person

(3) Whenever the sale of liquor to any such drunkard shall have been so prohibited any person with a knowledge of such prohibition who gives, sells, purchases or procures for or on behalf of such prohibited person or for his or her use any

liquor, such other person shall be guilty of an offence and upon summary conviction thereof be liable to incur for every such offence a penalty not less than \$50 nor more than \$200 and in default of payment forthwith after conviction to not less than two months' nor more than twelve months' imprisonment and if a licensee his license shall be forfeited. No. 7 of 1897, s. 87 ; No. 40 of 1898, s. 12.

**123.** Any person to whom the sale of liquor has been prohibited under this Ordinance who either directly or indirectly in any way procures or permits the sale, disposal, gift or delivery to him by any person of any intoxicating liquor shall be liable on summary conviction thereof to a fine of not more than \$50 and in default of payment forthwith after conviction to imprisonment for not more than one month ; in any prosecution under this section if intoxication on the part of the defendant be proved he shall be held to have been guilty of an offence and in any such case it shall not be necessary in any proceedings to state the name of the person from whom the liquor has been procured or by whom the sale, disposal, gift or delivery of liquor has been made. No. 7 of 1897, s. 88.

Interdicted  
person  
obtaining  
liquor  
Penalty

#### OPTION CLAUSES.

**124.** No license shall be granted by the board for the sale of liquors within the limits of a license district when it shall have been made to appear to the board in manner hereinafter provided that a majority of three-fifths of the duly qualified electors therein, who have voted at a poll taken as hereinafter specified, have declared themselves to be in favour of a prohibition of the sale of intoxicating liquors in their district and against the issue of licenses therefor.

Local option  
Vote

(2) When a requisition is presented, accompanied by the sum of \$100 to defray the expenses of the poll hereinafter specified, to any member of the board from a number of the electors of any district (estimated as near as may be at at least one-fifth of the total number of electors of the district, the basis of such estimate being the number of electors who voted at the last election of a member of the Legislative Assembly), requiring a vote to be taken as to whether or not such license shall issue or be granted therein, it shall be the duty of such member upon the receipt of such requisition and the said sum of \$100, to scrutinise the names of the electors attached to such requisition, and being satisfied that the names so attached are those of duly qualified electors within the district, and after the person or persons who have witnessed the signatures to the said requisition shall have sworn before a justice or a notary public—

Proceedings  
to be taken by  
member of  
board  
Preparation  
of voters' list

- (a) That he, the said witness, or they, the said witnesses, were present and saw the said electors sign the said requisition ;
- (b) That the said electors signed the said requisition within thirty days of the date of such affidavit ; and
- (c) That the signers constitute one-fifth of the electors of said district (estimated as above) ;

to command the taking of a poll of the said electors to ascertain whether or not such licenses shall be granted; and the member of the board to whom the requisition has been presented shall by an order inserted in any newspaper published in the district, or if there be no newspaper published in such district, in the newspaper whose place of publication is nearest to the said district—

Returning  
officer

Firstly, appoint one of the inspectors for the district or other person to act as returning officer; and

Secondly, fix the places and day at and in which the poll shall be taken;

The places so fixed for the taking of the poll shall be as many in number and in such parts of the district as shall be sufficient in the opinion of the returning officer to record a full vote of the electors of the district; the returning officer shall thereupon give public notice of the taking of such poll in all the newspapers if any published within the district, the publication to be continued in at least one number of each of such papers each week for three successive weeks, and also by posting up such notices or copies of the same at the post offices within such district; such poll shall be held in the month of October or November next ensuing on such day as shall be most convenient and not less than four weeks and not more than seven weeks from the date of the first publication of such notice, the said poll to be taken between the hours of nine a.m. and five p.m. of the day so appointed.

When poll to  
be taken

Powers of  
returning  
officer

(3) For the purpose of taking the poll the returning officer shall have all the powers for the preservation of the peace which are by law vested in the returning officer at any election of a member of the House of Commons of Canada and shall have all the powers of appointing and swearing constables.

Deputy  
returning  
officer  
and clerks

(4) The returning officer shall appoint a deputy returning officer for each polling division comprised in the license district and shall furnish each deputy returning officer with all the necessary apparatus for taking such poll; the returning officer, the deputy returning officers and the clerks whom he shall employ shall subscribe and take the oath for the due and proper performance of the duties of their respective offices according to the forms *mutatis mutandis* prescribed in schedule Q of the Act of the Parliament of Canada which may be cited as *The Dominion Elections Act*, before the nearest resident justice or commissioner for taking affidavits and shall be subject to the same penalties for the neglect or the improper discharge of their respective duties as are imposed on similar officers in case of an election of a member for the House of Commons of Canada.

Deputy  
returning  
officer may  
administer  
oath

(5) Every deputy returning officer shall administer to any elector if required either one or both of the following oaths:



## No. 1.

You do swear that you are a male British subject ; that you Form of oath have attained the full age of twenty-one years ; that you are not an unenfranchised Indian ; and that you have resided in the North-West Territories for at least the twelve months and in this license district for at least the three months respectively immediately preceding this date. So help you God.

## No. 2.

You do swear that you have not received any money or Form of oath other reward nor have you accepted any promise made to you directly or indirectly to induce you to vote at this election and that you have not before voted at this election either at this or any other polling station. So help you God.

(6) When any person presents himself for the purpose of voting the deputy returning officer shall cause the full name, Proceedings at poll when oath taken occupation and place of residence of such person to be forthwith entered on the voters' list and before the vote of such person is polled shall if so requested by any qualified voter administer to him either or both of the above mentioned oaths ; and the words " He has taken oath No. 1 " or and " oath No. 2 " as the case may be, shall be written opposite the name of any person so sworn ; and in case any person refuses to take such oath or oaths at such request he shall not be permitted to vote and the words " refused to take oath No. 1 " or and " oath No. 2 " as the case may be, shall be written opposite the name of any person so refusing.

(7) The vote of the electors shall be taken by ballot in the Manner of conducting poll manner provided by *The Canada Temperance Act* and the several clauses thereof under the headings " The Poll," " Secretary," " Penalties," " Preservation of Peace," " General Provisions," " Prevention of Corrupt Practices," and " Penalties and Punishments Generally " shall be read and construed as a part of this Ordinance except where the same may be inconsistent with any of the provisions herein contained.

(8) Immediately after the close of the poll the deputy re- Proceedings at close of poll turning officer shall in the presence of the poll clerk if there be one and such of the electors (of whom there shall not be more than two) as may be present open the ballot box and proceed as follows :

1. He shall examine the ballot papers and reject all those Examining ballot papers on the back of which his initials are not found or on which anything appears by which the voter can be identified ;

2. Take a note of any objection made by any elector present Noting objections to any ballot paper found in the ballot box and decide on any question arising out of the objection ;

3 Number such objection and place a corresponding number Numbering objections on the back of the ballot paper with the word " allowed " or " disallowed " as the case may be with his initials ;

Written  
statement of  
number  
of votes

4. Count the ayes and noes from the ballot papers not rejected and make a written statement of the number of votes given for or against the granting of licenses respectively and of the number of ballot papers rejected and not counted by him which statement shall be then signed by him and such other persons authorised to be present as may desire to sign the same ;

Certificate  
of deputy  
returning  
officer

5. The deputy returning officer shall then certify under his own hand in full words on the voters' list the total number of persons who have voted at the polling place at which he is appointed and make up into separate packets—

- (a) The statement of votes given for or against the granting of licenses respectively and of the rejected ballot papers ;
- (b) The used ballot papers which have not been objected to and which have been counted ;
- (c) The ballot papers which have been objected to but which have been counted ;
- (d) The rejected ballot papers ;
- (e) The declined and cancelled ballot papers ;
- (f) The voters' list ;

which packets closed up and sealed with his own seal and with the seal of any persons present desiring to affix their seals thereto and marked on the outside with a memorandum designating their respective contents shall by the deputy returning officer be transmitted forthwith to the returning officer.

Declaration of  
result of poll

(9) At the time and place fixed for declaring the result of the poll the returning officer shall open the packets containing the statement of votes given for or against the granting of licenses respectively and there publicly declare the result.

Ballot boxes,  
etc.,  
disposition of

(10) As soon as possible after the result has been announced the ballot boxes, packets and returns shall be deposited in the office of the board.

Objections to  
proceedings

(11) Objections to any act or proceeding under this section must be made in writing and filed in the office of the board within eight days after the ballot boxes, packets and returns are deposited in the said office ; such objections shall be considered and adjudicated upon by the board at their next regular meeting ; the decision of the board shall be final ; and in the event of the objections being maintained and upon the payment of the sum of \$100 by the objector or objectors they shall have the power to call another poll to be taken on the question whether or not licenses shall be granted ; in the event however of the said sum of \$100 not being paid the poll objected to, even if the objections are sustained, shall remain valid to all intents and purposes and have full force and effect as if no objections had been found.

Defect of  
form or  
irregularity

(12) Nothing in this section shall be construed as permitting any of the proceedings had or papers filed or notices required therein to be vitiated or set aside by reason of any mere want

or defect of form or any irregularity in the drawing up or execution of the same.

(13) The decision of the three-fifths of the electors against the granting of licenses as declared at the poll shall come into force in the then ensuing license year beginning on the first day of July and such prohibition shall continue in full force for such year and any future year until repealed; and each and all of the provisions of this section shall apply to the proceedings to be taken in reference to such appeal. When decision shall come into force

(14) In case of any such vote being taken as provided in this section then no new vote other than that provided for in this section shall be taken for a period of three years thereafter. When new vote can be taken

(15) The expenses for the taking of such vote over and above the sum of \$100 provided to be paid under this section shall be defrayed out of the general revenue fund of the Territories, such expenses to be certified to by the board for the district in which the vote has been taken; in the event however of the expenses of such vote being less than the \$100 deposited as above, the balance thereof remaining after such expenses have been paid shall be returned to the parties depositing the same. No. 7 of 1897, s. 43. Expenses to be defrayed out of general revenue fund

#### PARTIAL REPEAL OF NORTH-WEST TERRITORIES ACT.

**125.** Sections 92 to 100 both inclusive of *The North-West Territories Act*, chapter 50 of *The Revised Statutes of Canada* together with all amendments thereto in so far as they apply to the Territories comprising the several electoral divisions mentioned in the schedule to chapter 22 of the Act of the Parliament of Canada 54-55 Victoria intituled *An Act to amend the Acts respecting the North-West Territories* are hereby repealed except as to all that portion of Alberta north of a line drawn as follows: Commencing at the point of intersection of the western boundary of Alberta by the line between townships numbered fifty-seven and fifty-eight thence east to the western boundary of range twenty-six west of the fourth meridian thence north along the western boundary of the said range twenty-six to the line between townships numbered sixty-four and sixty-five and thence east along the said line to the eastern boundary of Alberta, and except as to townships 57 and 58 in ranges 9 and 10 west of the fourth meridian in the Dominion lands system of survey; and it is declared that as to the said portions of the Territories the said sections of *The North-West Territories Act* remain in full force and effect. No. 7 of 1897, s. 123; No. 38 of 1897, s. 55; No. 40 of 1898, s. 12. Sections 92 to 100 of N.W.T. Act repealed

Exception

#### MEMBERS OF ASSEMBLY.

**126.** No member of the Legislative Assembly except he be a licensee shall be a party to any bond to be given under this Ordinance nor shall he be a party to any petition under this Ordinance. No. 7 of 1897, s. 124. Members of Legislative Assembly

## SCHEDULE I.

## FORM A.

(Section 28.)

To the License Commissioners :

The petition of the undersigned humbly sheweth :

That your petitioner makes application for a *renewal of* (1)  
a (2) license to sell intoxicating liquors  
in the building occupied by your petitioner at  
in the electoral district of , and  
described as (3)

Your petitioner hath deposited with the proper officer the sum of \$10 the fee payable for such application and produces herewith receipt for same.

(4) [Your petitioner produces also the recommendation of at least ten out of the twenty nearest householders to the said also his own affidavit and the affidavit of two respectable neighbours to prove his qualification to obtain a license.]

And your petitioner prays that a license may be granted him accordingly.

(1) *If a first application strike out the words in italics ;*

(2) *Insert description of license as hotel or wholesale ;*

(3) *Here give full description of premises ;*

(4) *The words in brackets to be left out where form B not required.*

## FORM B.

(Sections 28, 29, 34, 37, 38, 40.)

We the undersigned hereby severally declare that is personally known to us, that we are at least ten of the twenty householders nearest in a direct line to the wherein the applicant intends to sell intoxicating liquors as specified in his petition ; that we have read or heard read to us the whole of this recommendation before signing it ; and we recommend the applicant as a fit and proper person to obtain a license to sell intoxicating liquors in the to be occupied by the said applicant at in the electoral district of and we consider it for the convenience of the public that a license should be granted to the said applicant.

| Name. | Date of signature. | Distance in yards in a direct line from the proposed licensed premises. |
|-------|--------------------|---|
|       |                    |   |

I, the undersigned, do certify that all the persons whose names are appended to the within recommendation are personally known to me and have signed the same in my presence and the date upon which each person signed the said recommendation is directly set opposite the name of each person respectively.

Dated at in the District of  
this day of A.D. 1  
A. B.,  
J.P., or Commr., etc.

FORM C.

(Section 28.)

I, applicant for a license to sell intoxicating liquors, make oath and say :

That I am of the full age of twenty-one years.

That I have never been convicted of any criminal offence subject to imprisonment for five years or upwards.

Sworn before me at  
in the district of  
this day of  
A. B.,

A Justice of the Peace or A Commissioner, etc.

FORM D.

(Section 28.)

We, and , do severally make oath and say :

That we are neighbours of , applicant for a license to sell intoxicating liquors.

That he is personally known to us ;

That he is of the full age of twenty-one years ;

That he has never been convicted of any criminal offence

subject to imprisonment for five years or upwards to our knowledge ; and

That he is a man of good moral character and temperate habits.

Sworn by said

|          |      |             |
|----------|------|-------------|
| and      |      | before      |
| me at    |      | in the dis- |
| trict of | this |             |
| day of   |      | 1           |
|          |      | A.B.        |

A Justice of the Peace or A Commissioner, etc.

FORM E.

(Section 47.)

FORM OF BOND BY APPLICANT FOR AN HOTEL OR WHOLE-SALE LICENSE.

Know all men by these presents that we  
of of and of are  
held and firmly bound unto Her Majesty Queen Victoria, Her  
Heirs and Successors as follows, that is to say : the said  
in the sum of five hundred dollars of good and lawful money of  
Canada the said in the sum of two hundred and  
fifty dollars of like good and lawful money and the said  
in the sum of two hundred and fifty dollars of like  
good and lawful money, for payment of which well and  
truly to be made we bind ourselves and each of us, our heirs,  
executors and administrators firmly by these presents.

Whereas the above bounden is about to  
obtain a license to keep a for the sale of  
liquor in the of . The condition of  
this obligation is therefore such that if the said pay all  
fines and penalties which he may be condemned to pay for any  
offence against any statute or other provision having the force  
of law now or hereafter to be in force relative to such  
license for the sale of liquor and does, performs and observes  
all the requirements thereof and conforms to all rules and regu-  
lations that are or may be established by competent authority  
in such behalf ; then this obligation shall be null and void,  
otherwise it shall remain in full force, virtue and effect.

In witness whereof we have signed these presents with our  
hands and sealed them with our seals this day of  
one thousand

Signed, sealed and delivered  
in presence of us

}

[L.S.]  
[L.S.]  
[L.S.]

FORM F.

(Sections 12 and 32.)

LICENSE.

Whereas \_\_\_\_\_ of \_\_\_\_\_ in the  
district of \_\_\_\_\_ has made application for a  
license to sell intoxicating liquors \_\_\_\_\_ and it having  
been made to appear to the board of license commissioners that  
the said \_\_\_\_\_ has complied with the provisions of the  
Ordinance in that behalf, this is to certify that the said  
\_\_\_\_\_ hereby licensed as provided by law  
to sell intoxicating liquors in manner aforesaid at \_\_\_\_\_ said  
place of business from the \_\_\_\_\_ day of \_\_\_\_\_ 1  
until midnight on the \_\_\_\_\_ day of \_\_\_\_\_ 1

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1

C.D.,  
Chief Inspector.

FORM G.

(Sections 36, 38 and 43.)

To the License Commissioners :

We the undersigned do hereby protest against the granting  
of a license to sell intoxicating liquors as a  
to \_\_\_\_\_ for the following reasons: (*Here set forth  
reasons*).

| Name. | Distance in yards in a direct line<br>from the proposed licensed<br>premises. | Date of signing. |
|-------|---|------------------|
|       |   |                  |

I, the undersigned, \_\_\_\_\_ do certify that all  
persons whose names are appended to the above protest are  
personally known to me and have signed in my presence and  
that they are comprised within the twenty nearest household-  
ers to the \_\_\_\_\_ for which  
\_\_\_\_\_ has applied for a license

and the date upon which each person signed the said protest is directly set opposite the name of each person respectively.

Dated at \_\_\_\_\_ in the North-West Territories  
this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1  
\_\_\_\_\_ A.B.,

Justice of the Peace or Commissioner, etc.

---

## FORM H.

(Section 98.)

### FORM OF DECLARATION OF FORFEITURE AND OF ORDER TO DESTROY LIQUOR SEIZED.

*If in conviction, after adjudging penalty or imprisonment,  
proceed thus:*

And I declare the said liquor and vessels in which the same is kept to wit: two barrels containing beer, three jars containing whiskey, two bottles containing gin, four kegs containing lager beer and five bottles containing native wine (*or as the case may be*) to be forfeited to Her Majesty and I do hereby order and direct that *T. D.*, license inspector of the  
of \_\_\_\_\_ (*or J. P. W.*, license inspector of the  
of \_\_\_\_\_) do forthwith destroy the  
said liquor and vessels.

Given under my hand and seal the day and year first above mentioned at, etc.

J. P.

---

*If by separate or subsequent order:*

Canada,  
North-West Territories. }  
To wit:

I, *E. F.*, one of Her Majesty's justices of the peace in and for the North-West Territories, having on the \_\_\_\_\_ day of \_\_\_\_\_ of \_\_\_\_\_ one thousand \_\_\_\_\_ at the \_\_\_\_\_ of \_\_\_\_\_ in the said North-West Territories, duly convicted *X. Y.* of having unlawfully kept liquor without a license, do hereby declare the said liquor and vessels in which the same is kept, to wit: (*describe the same as above*) to be forfeited to Her Majesty and I do hereby order and direct that *J. P. W.*, license inspector of the \_\_\_\_\_ of \_\_\_\_\_ do forthwith destroy the said liquor and vessels.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ at the \_\_\_\_\_ of \_\_\_\_\_ in the said \_\_\_\_\_

*E. F.* [L.S.]



## FORM J.

(Section 120.)

Canada: } Be it remembered that on the  
North-West Territories. } day of  
A.D. 1

complaint was made before the undersigned a justice of the peace in and for the said Territories :

That *A.B.*, (here set out the facts as stated in the complaint) and now having duly heard the matter of the said complaint I do order that during the period of one year from the date hereof no licensee after notice of this order shall sell any liquor to the said *A.B.*

Given under my hand and seal this \_\_\_\_\_ day  
of \_\_\_\_\_ at the \_\_\_\_\_ of \_\_\_\_\_ in  
the said Territories.

*J.P.*

## FORM K.

(Section 121.)

## NOTICE OF INTERDICTION.

Regina, 1  
in the North-West Territories.

A.B., of  
Sir,—

In pursuance of *The Liquor License Ordinance* you are hereby notified that *C.D.*, of \_\_\_\_\_ in the District of \_\_\_\_\_ labourer (or as the case may be) is interdicted from the use of intoxicating liquors, on order made by *G.H.*, a justice of the peace in and for the North-West Territories, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and you are required to govern yourself accordingly.

You are liable if you give, sell, purchase or procure to, for or on behalf of such prohibited person or for his or her use any liquor, upon conviction, to a penalty of not less than \$50 nor more than \$200 and in default of payment to not less than two months' nor more than twelve months' imprisonment, and if you are a licensee, forfeiture of license.

Your obedient servant,

*E.F.*,

Chief Inspector.

## FORM L.

*(Section 122.)*

## NOTICE OF INTERDICTION.

Take notice that under the provisions of section 122 of *The Liquor License Ordinance* I have been required by *(here state name and authority of person who has requested notice to be given)* to notify you that you are not to directly or indirectly sell, give or deliver or suffer to be sold, given or delivered to *(here insert name and description of person)* any intoxicating liquor under a penalty of one hundred dollars and absolute forfeiture of your license.

Dated at Regina this                      day of                      A.D. 1

*E.F.*,  
Inspector.

## SCHEDULE 2.

## FORMS FOR DESCRIBING OFFENCES.

1. *Neglecting to keep license exposed.*

That X. Y., having a license for sale by wholesale (or an hotel license) on \_\_\_\_\_ unlawfully or wilfully (or negligently) omitted to expose the said license in his warehouse (or in the bar room of his hotel *as the case may be.*)

2. *Sale without license.*

That X. Y., on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand \_\_\_\_\_ at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ unlawfully did sell liquor without the license therefor by law required.

3. *Keeping liquor without license.*

That X. Y., on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did keep liquor for the purpose of sale, barter and traffic therein without the license therefor by law required.

4. *Sale of liquor on licensed premises during prohibited hours.*

That X. Y., on \_\_\_\_\_ at \_\_\_\_\_ in his premises (or on, or out of, or from his premises) being a place where liquor may be sold, unlawfully did sell (or dispose of) liquor during the time prohibited by the *The Liquor License Ordinance* for the sale of the same, without any requisition for medical purposes, as required by the said Ordinance, being produced by the vendee or his agent.

5. *Allowing liquor to be drunk on licensed premises during prohibited hours.*

That X. Y., on \_\_\_\_\_ at \_\_\_\_\_ in his premises, being a place where liquor may be sold by retail (or wholesale) unlawfully did allow (or permit) liquor to be drunk in such place during the time prohibited by *The Liquor License Ordinance* for the sale of the same by a person other than the licensee or some member of his family or a lodger in his house.

6. *Sale of less than one quart under wholesale license.*

That X. Y., having a wholesale license on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did sell liquor in less quantity than one half gallon (or one reputed quart bottle or two reputed pint bottles *as the case may be.*)

7. *Allowing liquor to be consumed upon wholesale premises.*

That X. Y., having a wholesale license on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did allow liquor sold by him (or in his possession) and for the sale of which a license is required, to be consumed within his premises (or within the building of which his premises forms part or within a building

which communicates by an entrance with his premises) by a purchaser of such liquor (*or by a person not usually resident within the building of which such premises forms a part.*)

8. *Illegal sale by druggists.*

That *X. Y.*, being a chemist (*or druggist*) on \_\_\_\_\_ at \_\_\_\_\_ did unlawfully sell liquor for other than strictly medicinal purposes (*or sell liquor in packages of more than six ounces at one time without a certificate from any registered medical practitioner or sell liquor without recording the same,*) as required by *The Liquor License Ordinance*.

9. *Keeping a disorderly house.*

That *X. Y.*, being the keeper of (*house of public entertainment*) situate in the town of \_\_\_\_\_ in the district of \_\_\_\_\_ on \_\_\_\_\_ in his said hotel unlawfully did sanction (*or allow*) gambling, (*or riotous or disorderly conduct*) in his said hotel.

10. *Harbouring constables on duty.*

That *X. Y.*, being licensed to sell liquor at \_\_\_\_\_ on \_\_\_\_\_ unlawfully and knowingly did harbour (*or entertain or suffer to abide and remain*) on his premises *O.P.*, a constable belonging to a police force, during a part of the time appointed for his being on duty, and not for the purpose of quelling a disturbance or restoring order or executing his duty.

11. *Compromising or compounding a prosecution.*

That *X. Y.*, having violated a provision of *The Liquor License Ordinance*, on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did compromise (*or compound, or settle, or offer, or attempt to compromise, compound or settle*), the offence with *A.B.* with the view of preventing any complaint being made in respect thereof (*or with the view of getting rid of or of stopping or of having the complaint made in respect thereof dismissed, as the case may be.*)

12. *Being concerned in compromising a prosecution.*

That *X. Y.*, on \_\_\_\_\_ at \_\_\_\_\_ unlawfully was concerned in (*or a party to*) a compromise (*or a composition, or a settlement*) of an offence committed by *O.P.* against a provision of *The Liquor License Ordinance*.

13. *Refusing to admit policeman.*

That *X. Y.* on \_\_\_\_\_ at \_\_\_\_\_ being in (*or having charge of*) the premises of *O.P.* being a place where liquor is sold (*or reputed to be sold*) unlawfully did refuse (*or fail*) to admit (*or did obstruct or attempt to obstruct*) *E.F.* an officer demanding to enter in the execution of his duty (*or did obstruct or attempt to obstruct E. F. an officer making searches in the said premises and in the premises connected with such place.*)

14. *Officer refusing to prosecute.*

That X.Y., being a police officer (or constable or inspector of licenses) in and for the \_\_\_\_\_ knowing that O.P. had on \_\_\_\_\_ at \_\_\_\_\_ committed an offence against a provision of *The Liquor License Ordinance*, unlawfully and wilfully did and still does neglect to prosecute the said O.P. for his said offence.

15. *Refusing or failing to supply lodging, meals or accommodation to travellers.*

That *F.X.*, being the keeper of an hotel in respect of which an hotel license has been duly issued and is in force, on at unlawfully failed or refused personally (or through someone acting on his behalf) to supply lodgings, meals or accommodation to a traveller as required by *The Liquor License Ordinance*.

16. *Selling liquor to anyone under eighteen years of age.*

That X.Y. at \_\_\_\_\_ on \_\_\_\_\_ unlawfully  
did sanction (or allow) to be supplied in his licensed premises  
by purchase (or otherwise) liquor to a person under the age of  
eighteen years not being a resident on the premises or a *bona*  
*fide* guest, lodger or traveller.

17. *Allowing internal communication between licensed and unlicensed premises.*

That X.Y., at \_\_\_\_\_ on \_\_\_\_\_  
unlawfully did sanction (or allow) to be made or used an in-  
ternal communication between his licensed premises and un-  
licensed premises which are used for public entertainments and  
resort (or as a refreshment house.)

18. *Obtaining liquor by false representations.*

That X.Y., at \_\_\_\_\_ on \_\_\_\_\_  
unlawfully did by falsely representing himself to be a lodger,  
buy or obtain (or attempt to buy or obtain) at \_\_\_\_\_  
liquor during the period during which such premises are re-  
quired to be closed in pursuance of *The Liquor License Ordinance*.

### 19. *Interdiction.*

That *X.Y.*, by excessive drinking of liquor misspends, wastes (or lessens *if the fact be so*) his estate (or greatly injures his health *or* endangers *or* interrupts the peace and happiness of his family.)

## FORM M.

FORM OF INFORMATION LAID OR COMPLAINT MADE, AS THE  
CASE MAY BE.

Canada : } The information of *A. B.*, of the  
North-West Territories. } of  
To wit: } the of laid  
(or complaint made as the case may be) upon oath (or affirmation)  
(or complaint made as the case may be) before me *C. D.*, one of Her Majesty's justices of the peace

in and for the North-West Territories, the day  
of A.D. one thousand

The said informant says he is informed and believes that  
X.Y., on the day of A.D.  
one thousand at the  
in the of unlawfully  
did sell liquor without the license therefor by law required  
(*or as the case may be*).

Laid, sworn, (*or affirmed*) and  
signed before me the day  
and year, and at the place  
first above mentioned.

C.D.,

J. P.

A.B.

### FORM N.

#### FORM OF INFORMATION FOR SECOND, THIRD OR FOURTH OFFENCE.

Canada :  
North - West Territories. } The information of A. B., of  
To wit : } etc., laid upon oath (*or affir-*  
Her Majesty's justices of the  
peace in and for the North-West Territories, the  
day of A.D. one thousand

The said informant says he is informed and believes that  
X.Y., on at (*describe last*  
*offence*) :

And further that the said X.Y. was previously, to wit : on  
the day of A.D. 1 , at  
the of , before E.F., one  
of Her Majesty's justices of the peace in and for the North-  
West Territories, duly convicted of having on the  
day of 1 , at the of  
in the of unlawfully sold  
liquor without the license therefor required by law (*or as the*  
*case may be*) ;

And further that the said X. Y. was previously, to  
wit : on the day of  
A.D. 1 , at the of  
in the of , before,  
etc., (*as in preceding paragraph*) again duly convicted of  
having on the day of  
A.D. 1 , at the of in  
the of , having a  
wholesale license, unlawfully allowed liquor to be consumed  
within a building which communicates by an entrance within  
his premises by a person not usually resident within the build-  
ing of which such premises form a part (*or as the case may be*) ;

And further that the said *X. Y.* was previously, to wit: on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1\_\_\_\_\_, in the \_\_\_\_\_ of \_\_\_\_\_, before, etc., (*see above*) again duly convicted of having on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1\_\_\_\_\_, at the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, (being in charge of the premises of *O. P.*, a place where liquor was reputed to be sold) unlawfully failed to admit *E. F.*, an officer demanding to enter in the execution of his duty (*or as the case may be*).

And the informant says the offence hereinbefore firstly charged against the said *X. Y.* is his fourth (*or as the case may be*) offence against *The Liquor License Ordinance*.

Laid, sworn (*or affirmed*) and signed before me the day and year and at the place first above mentioned.

*C. D.*,  
*J. P.*

*A. B.*

## FORM O.

### SUMMONS TO WITNESS.

Canada:  
North-West Territories. }  
To wit:

To *J.K.*, of the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_

Whereas information has been laid before me *C.D.*, one of Her Majesty's justices of the peace in and for the North-West Territories that *X.Y.*, being a druggist, on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1\_\_\_\_\_, at the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ unlawfully did sell liquor for other than strictly medicinal purposes (*or as the case may be*) and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecution in this matter;

These are to require you to be and appear on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1\_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon at the \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ before me or such justice or justices of the peace as may then be there to testify what you know concerning the said charge so made against the said \_\_\_\_\_ as aforesaid (and also to bring with you and there and then to produce all and every invoices, day books, cash books or ledgers and receipts, promissory notes or other security relating to the purchase or sale, or sale of liquor by the said *X.Y.*, and all other books and papers, accounts, deeds and other documents

in your possession, custody or control relating to any matter connected with the said prosecution.) Herein fail not.

Given under my hand and seal this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. 1 \_\_\_\_\_ at the \_\_\_\_\_ of \_\_\_\_\_ in  
the \_\_\_\_\_ of \_\_\_\_\_

C.D.,  
J.P. [L.S.]

## FORM P.

### FORM OF CONVICTION FOR FIRST OFFENCE.

Canada :  
North-West Territories. }  
To Wit :

Be it remembered that on the \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. one thousand \_\_\_\_\_  
at the \_\_\_\_\_ of \_\_\_\_\_ in  
the \_\_\_\_\_ of \_\_\_\_\_ X. Y. is convicted  
before me, E. F., one of Her Majesty's justices of the peace in  
and for the North-West Territories, for that he, the said X. Y.,  
on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. one  
thousand \_\_\_\_\_ at the \_\_\_\_\_  
of \_\_\_\_\_ in the \_\_\_\_\_ in his premises,  
being a place where liquor may be sold, unlawfully did sell  
liquor during the time prohibited by *The Liquor License Or-*  
*dinance* for the sale of the same without any requisition for  
medicinal purposes as required by the said Ordinance being  
produced by the vendee or his agent (*or as the case may be*), A. B.  
being informant, and I adjudge said X. Y. for his said offence  
to forfeit and pay the sum of \_\_\_\_\_ dollars to be paid  
and applied according to law, and also to pay to the said A. B.  
the sum of \_\_\_\_\_ dollars for his costs in this behalf, and  
if the said several sums be not paid forthwith, then\* I order  
the said sums to be levied by distress and sale of the goods and  
chattels of the said X. Y. ; and in default of sufficient distress  
in that behalf\* (*or where the issuing of a distress warrant*  
*would be ruinous to the defendant and his family, or it ap-*  
*pears that he has no goods whereon to levy a distress, then instead*  
*of the words between the asterisks\* say* inasmuch as it has  
been made to appear to me that the issuing of a warrant of  
distress in this behalf would be ruinous to the said X. Y. and  
his family, *or that the said X. Y. has no goods or chattels*  
*whereon to levy the said several sums by distress*), I adjudge  
the said X. Y. to be imprisoned in the common gaol at  
in the said \_\_\_\_\_ and there to be kept for the space  
of \_\_\_\_\_ unless the said sums and the costs and  
charges of conveying the said X. Y. to the said common gaol  
shall be sooner paid.

Given under my hand and seal the day and year first above  
mentioned at the \_\_\_\_\_ of \_\_\_\_\_  
in the \_\_\_\_\_ aforesaid

C.D., [L.S.]  
J. P



## FORM Q.

## FORM OF CONVICTION FOR A THIRD OFFENCE.

Canada: }  
 North-West Territories. }  
 To Wit: }

Be it remembered that on the                      day of                      ,  
 in the year of our Lord one thousand                      ,  
 at                      of                      in the                      X.Y. is  
 convicted before the undersigned C.D., one of Her Majesty's  
 justices of the peace in and for the said Territories for that he  
 the said X.Y. on the                      day of                      ,  
 A.D. one thousand                      at                      ,  
 in the said                      (as the case may be) having  
 violated a provision of *The Liquor License Ordinance* unlaw-  
 fully did attempt to settle the offence with A.B., with the  
 view of having the complaint made in respect thereof dismiss-  
 ed (or as the case may be);

And it appearing to me that the said X.Y. was previously, to  
 wit: on the                      day of                      A.D. 1                      ,  
 at the                      of                      before, etc.,  
 duly convicted of having on the                      day of                      ,  
 A.D. 1                      , at the                      of                      unlawfully sold liquor  
 without the license therefor by law required (or as the case  
 may be);

And it also appearing to me that the said X.Y. was pre-  
 viously, to wit: on the                      day of                      A.D.  
 1                      , at the                      of                      before,  
 etc., (see above) again duly convicted of having on the                      ,  
 day of                      A.D. 1                      , at the                      ,  
 being the keeper of licensed premises situate in the said                      ,  
 of                      unlawfully allowed  
 gambling in his said licensed premises (or as the case may be);

I adjudged the offence of the said X.Y., hereinbefore firstly  
 mentioned, to be his third offence against *The Liquor License  
 Ordinance* (A.B. being the informant) and I adjudged the said  
 X.Y. for his third offence to be imprisoned in the common gaol  
 of the said                      of                      at                      ,  
 in the said                      of                      there to  
 be kept at hard labour for the space of three calendar months  
 (or as the case may be).

Given under my hand and seal the day and year first above  
 mentioned, at                      in the                      of                     

C.D.                      [L.S.]  
 J.P.

## FORM R.

WARRANT OF COMMITMENT FOR FIRST OFFENCE WHERE A  
PENALTY IS IMPOSED.

Canada :  
North West Territories, }  
To Wit :

To all or any of the constables and other peace officers in the  
of and the keeper of the  
common gaol of the said at in the

Whereas *X. Y.* late of the of  
in the said was on this day convicted before  
the undersigned *C. D.*, one of Her Majesty's justices of the  
peace in and for the North-West Territories, for that he, the  
said *X. Y.*, on at unlawfully did  
sell liquor without the license therefor by law required (*state  
offence as in the conviction*) (*A. B.* being the informant) and it  
was thereby adjudged that the said *X. Y.* for his said offence  
should forfeit and pay the sum of (*as in conviction*)  
and should pay to the said *A. B.* the sum of for  
his costs in that behalf :

And it was thereby further adjudged that if the said several  
sums should not be paid forthwith the said *X. Y.* should be  
imprisoned in the common gaol at in the  
said Territories there to be kept at hard labour for the space  
of unless the said several sums and the costs  
and charges of conveying the said *X. Y.* to the said common  
gaol should be sooner paid ;

And whereas the said *X. Y.* has not paid the several sums  
or any part thereof although the time for payment thereof has  
elapsed ;

[*If a distress warrant issued and was returned no goods or  
not sufficient goods, say :*

And whereas afterwards on the day of A.D.  
1 , I, the said justice, issued a warrant to the said constable  
or peace officer or any of them to levy the said several sums  
of of and by distress  
and sale of the goods and chattels of the said *X. Y.* ;

And whereas it appears to me as well by the return of the  
said warrant of distress by the constable who had the execution  
of the same or otherwise that the said constable has made dili-  
gent search for the goods and chattels of the said *X. Y.* but  
that no sufficient distress whereon to levy the said sums could  
be found.]

[*Or where the issuing of a distress warrant would be ruinous  
to the defendant and his family or if it appears that he has  
no goods whereon to levy a distress then instead of the foregoing  
recitals of the issue and return of the distress warrant, etc.,  
say :*

And whereas it has been made to appear to me that the issu-  
ing of a warrant of distress in this behalf would be ruinous to

the said *X.Y.* and his family *or* that the said *X.Y.* has no goods or chattels whereon to levy the said sums by distress, (*as the case may be*)];

These are therefore to command you, the said constables or peace officers or any of you, to take the said *X.Y.* and him safely convey to the common gaol at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ and there deliver him to the said keeper thereof together with this precept ;

And I do hereby command you, the said keeper of the said common gaol, to receive the said *X.Y.* into your custody in the said common gaol there to imprison and keep him for the space of \_\_\_\_\_ unless the said several sums and all the costs and charges of the said distress, amounting to the sum of \_\_\_\_\_, and of the commitment and conveying of the said *X.Y.* to the said common gaol, amounting to the further sum of \_\_\_\_\_, shall be sooner paid unto you, the said keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 1 \_\_\_\_\_, at \_\_\_\_\_

C.D. [Ls.]

J.P.

# TITLE XIII.

## MISCELLANEOUS.

### CHAPTER 90.

#### An Ordinance respecting Insane Persons.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Issue of  
warrant on  
information  
before J.P.

**1.** When an information is laid before a justice of the peace that any person is or is suspected and believed to be insane such justice may issue his warrant in form A in the schedule hereto to apprehend such person and cause him to be brought before him or some other justice of the peace. R.O. c. 7, s. 1.

Evidence to  
be taken

**2.** Upon the person charged as aforesaid being brought before such justice the said justice shall proceed to hear such evidence under oath as may be adduced with reference —

- (a) To the alleged insanity of the person so brought before him, adjourning the inquiry from time to time as may be necessary for the purpose and remanding him meanwhile to gaol or other safe custody ;
- (b) To his residence for at least the six months previous to the inquiry ;
- (c) To his calling or profession ;
- (d) To his means of support ;
- (e) To the fact of his being married or unmarried ; also
- (f) As to whether or not the said person if committed under the provisions of this Ordinance will be sent back to his former residence and at whose cost. R.O. c. 7, s. 2 ; No. 1 of 1889, s. 1 ; No. 38 of 1897, s. 47 (1).

Committal if  
found insane

**3.** If after hearing the evidence adduced the justice of the peace is satisfied the person so brought before him is insane such justice shall commit him by warrant in form B in the schedule hereto to a gaol there to remain until the pleasure of the Lieutenant Governor is known or until the said person is discharged by law and shall forthwith make a report of the case accompanied with a true copy of the information and evidence taken, to the attorney general, who shall have power if he sees fit to order further inquiries to be made. R.O. c. 7, s. 3 ; No. 38 of 1897, s. 47 (2).

4. In case it appears to such justice that such person is not otherwise insane the justice shall discharge him. R.O. c. 7, s. 4. discharged

**5.** The justice of the peace acting under the provisions of this Ordinance shall have the like authority for compelling the attendance of witnesses as such justice would have under any law or statute in force respecting summary convictions and shall be entitled to the same fees. R.O. c. 7, s. 5; No. 38 of 1897, s. 47 (3). Power to  
summon  
witnesses

### SCHEDULE.

## FORM A.

Canada: { To all or any of the constables or  
North-West Territories, { other peace officers of the said  
Territories:

Whereas information upon oath hath this day been laid before the undersigned,                  a justice of the peace in and for the said Territories, that A. B. (*or* a certain male *or* female person whose name is unknown) is insane;

These are therefore to command you to apprehend the said \_\_\_\_\_ and bring him (*or* her) before me or some other justice of the peace in and for the said Territories in order that inquiry may be made respecting the sanity of the said \_\_\_\_\_ and that he (*or* she) may be further dealt with according to law.

Given under my hand and seal this \_\_\_\_\_ day of  
A.D. 1\_\_\_\_\_, at \_\_\_\_\_ in the said Territories.  
A. B.,  
J.P. [L.S.]

## FORM B.

|                         |                                    |
|-------------------------|------------------------------------|
| Canada:                 | To all or any of the constables or |
| North-West Territories. | other peace officers in the said   |
|                         | Territories and to the North-West  |
| Mounted Police force at | (or the keeper of the              |
| common gaol at          | ):                                 |

Whereas information was laid before me (or as the case may be) a justice of the peace in and for the said Territories, on the oath of \_\_\_\_\_, that A.B. (or as in the information) was insane;

And whereas inquiry has been made by me respecting the sanity of the said

And whereas I have found and adjudged the said to  
be insane.

These are therefore to command you the said constables or other peace officers or any of you to take the said \_\_\_\_\_ and safely convey \_\_\_\_\_ to the North-West Mounted Police (or to the keeper of the common gaol) at \_\_\_\_\_ and to deliver \_\_\_\_\_ to the police aforesaid (or to the said keeper) together with this precept; and I do hereby command the said police force (or the keeper of the said gaol) to receive the said \_\_\_\_\_ into custody and safely keep \_\_\_\_\_ until the pleasure of the Lieutenant Governor be known or until the said \_\_\_\_\_ shall be discharged by law.

Given under my hand and seal this \_\_\_\_\_ day of  
A.D. 1 \_\_\_\_\_, at \_\_\_\_\_ in the North-West Territories.

A. B.,  
J.P. [L.S.]

## CHAPTER 91.

### An Ordinance to Prevent the Profanation of the Lord's Day.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. No merchant, tradesman, artificer, mechanic, workman, labourer or other person whatsoever shall on the Lord's day sell or publicly show forth or expose or offer for sale or purchase any goods, chattels or other personal property or any real estate whatsoever, or do or exercise any worldly labour, business or trade of his ordinary calling; travelling or conveying travellers or Her Majesty's mails, selling drugs and medicines and other works of necessity and works of charity only excepted. R.O. c. 39, s. 1.

Prohibition of business and labour on Sunday

Exceptions

2. No person on that day shall play at billiards or pool in any public room or run races on horseback or in vehicles of any sort or discharge fire arms or engage in any game or games in any public place or engage in hunting or in the pursuit of game; except that any traveller, family or other person in a state of actual want may engage in hunting or kill game to satisfy his or their immediate wants. R.O. c. 39, s. 2; No. 15 of 1893, s. 1.

Games and amusements prohibited

3. All sales and purchases and all contracts and agreements for sale or purchase of any real or personal property whatsoever made by any person or persons on the Lord's day shall be utterly null and void. R.O. c. 39, s. 3.

Contracts made on Sunday to be void

4. Any person violating any of the provisions of this Ordinance shall be guilty of an offence and upon summary conviction thereof be liable to a fine not exceeding \$100 and costs of prosecution. R.O. c. 39, s. 4.

Penalty

## CHAPTER 92.

### An Ordinance respecting the Use of Tobacco by Minors.

**T**HE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Sale of tobacco to minors under sixteen years of age prohibited

**1.** Any person who either directly or indirectly sells or gives or furnishes to a minor under sixteen years of age cigarettes, cigars or tobacco in any form shall be guilty of an offence and liable on summary conviction thereof to a penalty of not less than \$1 or more than \$10 with or without costs of prosecution, or to imprisonment with or without hard labour for any term not exceeding ten days, or to both fine with or without costs and imprisonment to the said amount and for the said term in the discretion of the convicting magistrate ; and in case of a fine or a fine and costs being awarded and of the same not being upon conviction forthwith paid the justice may commit the offender to the common gaol there to be imprisoned for any term not exceeding ten days unless the fine and costs are sooner paid. No. 18 of 1896, s. 1.

Except on written request of parent, etc.

**2.** This Ordinance shall not apply to a sale to the minor under a written request or order of his parent, lawful guardian or employer. No. 18 of 1896, s. 2.

Presumption of age

**3.** A person who shall appear to the magistrate to be under sixteen years of age shall be presumed to be under that age unless it is shown by evidence that he is in fact over that age. No. 18 of 1896, s. 3.

Penalty for procuring tobacco by minor

**4.** Any person except as provided in section 2 of this Ordinance to whom the sale of tobacco has been prohibited under section 1 of this Ordinance who either directly or indirectly in any way procures or permits the sale, disposal, gift or delivery to him by any person of any cigarettes, cigars or tobacco in any form shall be guilty of an offence and liable on summary conviction thereof to a fine not exceeding \$2 and in default of payment to imprisonment for a period not exceeding one month. No. 18 of 1896, s. 4.

Limitation of Ordinance

**5.** The provisions of this Ordinance shall only apply to municipalities and villages. No. 18 of 1896, s. 5.



## CHAPTER 93.

### An Ordinance respecting the General Trust Corporation of Canada.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. The Supreme Court of the North-West Territories or any judge thereof having power to appoint such an officer may with the consent of the General Trust Corporation of Canada (hereinafter called the corporation) appoint the said corporation to exercise any of the offices of executor, administrator, trustee, receiver, assignee, liquidator, sequestrator, curator, guardian of a minor, or committee of a lunatic, or to perform any of the duties appertaining to any such offices in respect of any estate, matter or proceeding under the authority of such court or judge. No. 42 of 1894, s. 1. Offices with which corporation may be entrusted
2. Notwithstanding any rule of practice or any provisions of any Ordinance requiring security, it shall not be necessary for the said corporation to give any security for the due performance of its duty in any of the said offices; but in lieu thereof such court or judge, if it or he deems necessary, may from time to time require the corporation to render an account of its administration of the particular trust or office to which it has been so appointed and may from time to time appoint a suitable person to investigate the affairs and management of the corporation as to the security afforded to those by or for whom its engagements are held; and such person shall report thereon to such court or judge and the expenses of such investigation shall be borne as may be ordered by such court or judge. No. 42 of 1894, s. 2. Security unnecessary  
Account of administration to be rendered
3. The Lieutenant Governor in Council may revoke the privilege dispensing with security as mentioned in section 2 of this Ordinance and the said court shall not, nor shall any judge thereof, after notice of such revocation appoint the corporation to any of the said offices unless it gives the like security for the due performance of its duty as would be required from a private person. No. 42 of 1894, s. 3. Lieutenant Governor in Council may require security
4. The liability of the corporation to persons interested in an estate or property held by the said corporation in any such office as aforesaid shall be the same as if the estate or property had been held by any private person in such capacity respectively and its powers shall be the same. No. 42 of 1894, s. 4. Liability of corporation
5. The said court or any judge thereof may by order made with the consent of the said corporation direct that any money Money held by court may be

deposited with held by such court or under its control be deposited with the  
corporation said corporation, upon such terms as to the payment of interest  
thereon and otherwise as may be provided in and by such order; and in such event the corporation may invest the same in  
any of the securities mentioned in such order or as are specified  
in section 5 of its act of incorporation but in no others; and  
the provisions of sections 6 and 7 of the said act shall apply to  
this Ordinance. No. 42 of 1894, s. 5.

Exercise of  
powers of  
corporation in  
Territories **6.** The said corporation may validly exercise within the  
Territories all or any of the powers mentioned in its said act of  
incorporation or any amendment thereof subject to the obligations therein provided. No. 42 of 1894, s. 6.





# SCHEDULE I.

Shewing (a) the Ordinances and parts of Ordinances consolidated in The Consolidated Ordinances of the Territories, (b) the Ordinances since the Revised Ordinances of 1888 which have been disallowed, (c) the portions of The Revised Ordinances of 1888 and subsequent Public General Ordinances which have been repealed prior to the Consolidation; and (d) the portions of such Ordinances which are not consolidated: and shewing also where the provisions of each section or portion of a section of the Ordinances consolidated are to be found in the Consolidation.

| R.O. 1888. |          |       |      |                             | R.O. 1888.—Continued. |          |       |      |                                  |
|------------|----------|-------|------|-----------------------------|-----------------------|----------|-------|------|----------------------------------|
| Chapter.   | Section. | CONS. |      | REMARKS.                    | Chapter.              | Section. | CONS. |      | REMARKS.                         |
|            |          | Cap.  | Sec. |                             |                       |          | Cap.  | Sec. |                                  |
| 1.         | 1        | 1     | 1    |                             | 1                     | 29       | 1     | 36   |                                  |
|            | 2        |       | 2    |                             |                       | 30       |       | 37   |                                  |
|            | 3        |       | 3    |                             |                       | 31       |       | 38   |                                  |
|            | 4        |       | 4    |                             |                       | 32       |       | 39   |                                  |
|            | 5        |       | 5    |                             |                       | 33       |       | 40   |                                  |
|            | 6        |       | 6    |                             |                       | 34       |       | 41   |                                  |
|            | 7        |       | 7    |                             |                       | 35       |       | 42   |                                  |
|            | 8        |       | 8    |                             |                       | 36       |       | 43   |                                  |
|            | 1        |       | 1    |                             |                       | 37       |       | 45   |                                  |
|            | 2        |       | 2    |                             |                       | 38       |       | 46   |                                  |
|            | 3        |       | 3    |                             |                       | 39       |       | 47   |                                  |
|            | 4        |       | 4    |                             |                       | 40       |       | 48   |                                  |
|            | 5        |       | 5    |                             |                       | 41       |       | 52   |                                  |
|            | 6        |       | 6    |                             |                       | 42       |       | 53   |                                  |
|            | 7        |       | 8    |                             |                       | 43       |       | 54   |                                  |
|            | 8        |       | 9    |                             |                       | 44       |       | 56   |                                  |
|            | 9        |       | 10   |                             |                       | 45       |       |      | Repealed 1893, No 14, s. 2.      |
|            | 10       |       | 11   |                             |                       | 46       |       | 60   |                                  |
|            | 11       |       | 12   |                             |                       |          |       | 9    |                                  |
|            | 12       |       | 14   |                             | 9                     |          |       | 10   |                                  |
|            | 13       |       | 15   |                             | 10                    |          |       | 11   |                                  |
|            | 14       |       | 16   |                             | 11                    |          |       | 12   |                                  |
|            | 15       |       | 17   |                             | 12                    |          |       |      | Unnecessary.                     |
|            | 16       |       | 18   |                             | 13                    |          |       | 13   |                                  |
|            | 17       |       | 19   |                             | 14                    |          |       |      |                                  |
|            | 18       |       | 21   |                             |                       |          |       |      |                                  |
|            | 19       |       | 22   |                             | 2                     | 1        | 11    | 1    |                                  |
|            | 20       |       | 25   |                             |                       | 2        |       | 2    |                                  |
|            | 21       |       | 26   |                             |                       | 3        |       | 3    |                                  |
|            | 22       |       | 27   |                             |                       | 4        |       | 4    |                                  |
|            | 23       |       |      | Repealed 1898, No. 2, s. 3. |                       | 5        |       | 5    |                                  |
|            |          |       |      |                             |                       | 6        |       |      | Repealed 1897, No. 38, s. 6 (3). |
|            | 24       |       | 29   |                             |                       |          |       |      |                                  |
|            | 25       |       | 30   |                             |                       |          |       |      |                                  |
|            | 26       |       | 31   |                             | 3                     |          |       |      | Repealed 1891-92, No. 2, s. 9.   |
|            | 27       |       | 33   |                             |                       |          |       |      |                                  |
|            | 28       |       | 34   |                             | 4                     | 1        | 13    | 1    |                                  |

## R.O. 1888,---Continued.

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SCHEDULE I.—*Continued.*

| R.O. 1888,--- <i>Continued.</i> |          |       |      |                               | R.O. 1888,--- <i>Continued.</i> |          |       |      |                                  |
|---------------------------------|----------|-------|------|-------------------------------|---------------------------------|----------|-------|------|----------------------------------|
| Chapter.                        | Section. | CONS. |      | REMARKS.                      | Chapter.                        | Section. | CONS. |      | REMARKS.                         |
|                                 |          | Cap.  | Sec. |                               |                                 |          | Cap.  | Sec. |                                  |
| 24                              | 18       | 68    | 12   | Repealed 1896, No. 23, s. 7.  | 30                              | 2        | 4     | 61   | 4                                |
|                                 | 19       |       | 13   |                               |                                 |          | 5     |      | 5                                |
|                                 | 20       |       | 14   |                               |                                 | 3        |       | 3    |                                  |
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|                                 | 25       |       | 19   |                               |                                 |          | 4     |      | 4                                |
|                                 | 26       |       | 33   |                               |                                 |          | 5     |      | 5                                |
|                                 | 27       |       | 21   |                               |                                 |          | 6     |      | 6                                |
|                                 | 28       |       | 20   |                               |                                 | 5        |       | 5    |                                  |
|                                 | 29       |       |      |                               |                                 | 6        |       | 6    |                                  |
|                                 | 30       |       | 35   |                               |                                 |          | 1     |      | 1                                |
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| 25                              | 1        |       | a    | Repealed 1892, No. 19, s. 19. |                                 | 7        |       | 7    | Repealed 1897, No. 38, s. 34 (3) |
|                                 | 2        |       | b.   |                               |                                 | 8        |       | 8    |                                  |
|                                 | 3        |       | c    |                               |                                 | 9        |       | 9    |                                  |
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|                                 |          |       |      |                               |                                 | 12       |       | 12   |                                  |
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|                                 |          |       |      |                               |                                 | 17       |       | 16   |                                  |
|                                 |          |       |      |                               |                                 | 18       |       | 17   |                                  |
| 26                              |          |       |      | Repealed 1891 - 92, No. 22.   |                                 | 19       |       | 18   |                                  |
|                                 |          |       |      |                               |                                 | 20       |       | 19   |                                  |
|                                 |          |       |      |                               |                                 | 21       |       | 20   |                                  |
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| 27                              |          |       |      | Repealed 1897, No. 38, s. 46. |                                 | 26       |       | 25   |                                  |
|                                 |          |       |      |                               |                                 | 27       |       | 26   |                                  |
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| 28                              |          |       |      | Repealed 1897, No. 29, s. 22. |                                 |          |       |      |                                  |
|                                 |          |       |      |                               |                                 |          |       |      |                                  |
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| 29                              | 1        | 46    | 1    | Repealed 1897, No. 35, s. 1.  |                                 |          |       |      |                                  |
|                                 | 2        |       |      |                               |                                 |          |       |      |                                  |
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| 30                              | 1        |       |      | Repealed 1892, No. 25, s. 2.  |                                 | 2        |       |      |                                  |
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| 31                              | 1        |       |      | Repealed 1892, No. 25, s. 3.  |                                 | 2        |       |      |                                  |
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|                                 | 12       |       |      |                               |                                 |          |       |      |                                  |
| 32                              | 1        |       |      | Repealed 1896, No. 6, s. 2.   |                                 | 2        |       |      |                                  |
|                                 | 2        |       |      |                               |                                 | 3        |       |      |                                  |
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| 33                              | 1        |       |      | Repealed 1895, No. 21, s. 1.  |                                 |          |       |      |                                  |
|                                 | 2        |       |      |                               |                                 |          |       |      |                                  |
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| 34                              | 1        |       |      | Repealed 1897, No. 35, s. 9.  |                                 |          |       |      |                                  |
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| 35                              | 1        |       |      | Repealed 1897, No. 35, s. 9.  |                                 |          |       |      |                                  |
|                                 | 2        |       |      |                               |                                 |          |       |      |                                  |
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|                                 | 11       |       |      |                               |                                 |          |       |      |                                  |
|                                 | 12       |       |      |                               |                                 |          |       |      |                                  |
| 36                              | 1        |       |      | Repealed 1897, No. 35, s. 9.  |                                 |          |       |      |                                  |
|                                 | 2        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 3        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 4        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 5        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 6        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 7        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 8        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 9        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 10       |       |      |                               |                                 |          |       |      |                                  |
|                                 | 11       |       |      |                               |                                 |          |       |      |                                  |
|                                 | 12       |       |      |                               |                                 |          |       |      |                                  |
| 37                              | 1        |       |      | Repealed 1897, No. 35, s. 9.  |                                 |          |       |      |                                  |
|                                 | 2        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 3        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 4        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 5        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 6        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 7        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 8        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 9        |       |      |                               |                                 |          |       |      |                                  |
|                                 | 10       |       |      |                               |                                 |          |       |      |                                  |
|                                 | 11       |       |      |                               |                                 |          |       |      |                                  |
|                                 | 12       |       |      |                               |                                 |          |       |      |                                  |
| 38                              | 1        |       |      | Repealed 1897, No. 35, s. 9.  |                                 |          |       |      |                                  |

## SCHEDULE I.—Continued.

| R.O. 1888.—Continued. |          |       |      |                                 | R.O. 1888.—Continued. |          |       |        |                                    |
|-----------------------|----------|-------|------|---------------------------------|-----------------------|----------|-------|--------|------------------------------------|
| Chapter.              | Section. | CONS. |      | REMARKS.                        | Chapter.              | Section. | CONS. |        | REMARKS.                           |
|                       |          | Cap.  | Sec. |                                 |                       |          | Cap.  | Sec.   |                                    |
| 30                    | 47       | 61    | 46   |                                 | 30                    | 98       | 61    | 95     |                                    |
|                       | 48       |       | 47   |                                 |                       | 99       |       | 96     |                                    |
|                       | 49       |       | 48   |                                 |                       | 100      |       | 97     |                                    |
|                       | 50       |       | 49   |                                 |                       | 101      |       | 98     |                                    |
|                       | 51       |       | 50   |                                 |                       | 102      |       | 99     |                                    |
|                       | 52       |       | 51   |                                 |                       | 103      |       | 100    |                                    |
|                       | 53       |       | 52   |                                 |                       | 104      |       | 101    |                                    |
|                       | 54       |       | 53   |                                 |                       | 105      |       | 102    |                                    |
|                       | 55       |       | 54   |                                 |                       | 106      |       | 103    |                                    |
|                       | 56       |       | 55   |                                 |                       | 107      |       | 108    |                                    |
|                       | 57       |       | 56   |                                 |                       | 108      |       | 104    |                                    |
|                       | 58       |       | 57   |                                 |                       | 109      |       | 105    |                                    |
|                       | 59       |       | 58   |                                 |                       | 110      |       | 106    |                                    |
|                       | 60       |       | 59   |                                 |                       | 111      |       | 107    |                                    |
|                       | 61       |       | 60   |                                 |                       | 112      |       |        | Repealed 1897, No. 38, s. 34 (18). |
|                       | 62       |       | 61   |                                 |                       |          |       |        |                                    |
|                       | 63       |       | 62   |                                 |                       | 113      |       | 109    |                                    |
|                       | 64       |       | 63   |                                 |                       | Form A   |       | Form A |                                    |
|                       | 65       |       | 64   |                                 |                       | Form B   |       |        | Unnecessary.                       |
|                       | 66       |       | 65   |                                 |                       | Form C   |       | Form B |                                    |
|                       | 67       |       | 66   |                                 |                       | Form D   |       | Form C |                                    |
|                       | 68       |       | 67   |                                 |                       |          |       |        |                                    |
|                       | 69       |       | 68   |                                 | 31                    | 1        | 56    | 1      |                                    |
|                       | 70       |       | 69   |                                 |                       | 2        |       | 2      |                                    |
|                       | 71       |       | 70   |                                 |                       | 3        |       | 3      |                                    |
|                       | 72       |       | 71   |                                 |                       | 4        |       | 4      |                                    |
|                       | 73       |       | 72   |                                 |                       |          | 1     |        | 1                                  |
|                       | 74       |       | 73   |                                 |                       |          | 2     |        | 2                                  |
|                       | 75       |       | 74   |                                 |                       | 5        |       | 5      |                                    |
|                       | 76       |       | 75   |                                 |                       | 6        |       | 6      |                                    |
|                       | 77       |       | 76   |                                 |                       |          |       |        |                                    |
|                       | 78       |       | 77   |                                 | 32                    |          |       |        | Repealed 1892, No. 30, s. 7.       |
|                       | 79       |       | 78   |                                 |                       |          |       |        |                                    |
|                       | 80       |       | 79   |                                 |                       |          |       |        |                                    |
|                       | 81       |       | 80   |                                 | 33                    | 1        | 88    | 1      |                                    |
|                       | 82       |       |      | Unnecessary, See s. 14.         |                       | 2        |       | 2      |                                    |
|                       |          |       |      |                                 |                       | 3        |       | 3      |                                    |
|                       |          |       |      |                                 |                       | 4        |       | 4      |                                    |
| 83                    |          | 81    |      |                                 | 34                    |          |       |        | Repealed 1897, No. 38, s. 24.      |
|                       | 2        |       | 2    |                                 |                       |          |       |        |                                    |
|                       | 3        |       | 3    |                                 |                       |          |       |        |                                    |
|                       | 4        |       | 4    |                                 |                       |          |       |        |                                    |
| 84                    |          | 82    |      |                                 | 35                    | 1        | 38    | 1      |                                    |
| 85                    |          | 83    |      |                                 |                       | 2        |       | 2      |                                    |
| 86                    |          | 84    |      |                                 |                       | 3        |       | 3      |                                    |
| 87                    |          | 85    |      |                                 |                       | 4        |       | 4      |                                    |
| 88                    |          | 86    |      |                                 |                       | 5        |       | 5      |                                    |
| 89                    |          | 87    |      |                                 |                       | 6        |       | 6      |                                    |
| 90                    |          | 88    |      |                                 |                       | 7        |       | 7      |                                    |
| 91                    |          |       |      | Repealed 1891-92, No. 17, s. 2. |                       | 8        |       | 8      |                                    |
|                       |          |       |      |                                 |                       | 9        |       | 9      |                                    |
| 92                    |          |       |      | Repealed 1891-92, No. 17, s. 3. |                       | 10       |       | 10     |                                    |
|                       |          |       |      |                                 |                       | 11       |       | 11     |                                    |
| 93                    |          | 90    |      |                                 |                       |          |       |        |                                    |
| 94                    |          | 91    |      |                                 | 36                    |          |       |        | Repealed 1895, No. 26, s. 1.       |
| 95                    |          | 92    |      |                                 |                       |          |       |        |                                    |
| 96                    |          | 93    |      |                                 |                       |          |       |        |                                    |
| 97                    |          | 94    |      |                                 | 37                    | 1        | 58    | 2      |                                    |



## SCHEDULE I.—Continued.

| R.O. 1888.—Continued. |          |       |      | R.O. 1888.—Continued. |          |       |        |
|-----------------------|----------|-------|------|-----------------------|----------|-------|--------|
| Chapter.              | Section. | CONS. |      | Chapter.              | Section. | CONS. |        |
|                       |          | Cap.  | Sec. |                       |          | Cap.  | Sec.   |
| 37                    | 1        | 58    |      | 46                    | 11       | 45    | 11     |
|                       | 2        |       |      |                       | 12       |       | 12     |
|                       | 3        |       |      |                       | 13       |       | 13     |
|                       | 4        |       | 6    |                       | Form A   |       | Form A |
|                       | 5        |       | 7    |                       | " B      |       | " B    |
|                       |          |       | 8    |                       | " C      |       | " C    |
|                       |          |       |      |                       | " D      |       | " D    |
| 38                    | 1        |       |      |                       |          |       |        |
|                       |          |       |      |                       |          |       |        |
|                       |          |       |      |                       |          |       |        |
| 39                    | 1        | 91    | 1    | 48                    | 1        | 59    | 1      |
|                       | 2        |       | 2    |                       | 2        |       | 2      |
|                       | 3        |       | 3    |                       | 3        |       | 3      |
|                       | 4        |       | 4    |                       | 4        |       | 4      |
|                       |          |       |      |                       | 5        |       | 5      |
| 40                    | 1        | 25    | 1    |                       | 2        |       | 2      |
|                       | 2        |       | 2    |                       | 3        |       | 3      |
|                       | 3        |       | 3    |                       | 6        |       | 6      |
|                       |          |       |      |                       | 2        |       | 2      |
| 41                    |          |       |      |                       | 7        |       | 7      |
|                       |          |       |      |                       | 8        |       | 8      |
|                       |          |       |      |                       | 9        |       | 9      |
| 42                    |          |       |      |                       | 2        |       | 2      |
|                       |          |       |      |                       | 3        |       | 3      |
| 43                    | 1        | 33    | 1    |                       | 10       |       | 10     |
|                       | 2        |       | 2    |                       | 11       |       | 11     |
|                       |          |       |      |                       | 12       |       | 12     |
|                       |          |       |      |                       | 13       |       | 13     |
| 44                    |          |       |      |                       | 14       |       | 14     |
|                       |          |       |      |                       | 15       |       | 15     |
|                       |          |       |      |                       | 16       |       | 16     |
| 45                    | 1        | 27    | 1    |                       | 17       |       | 17     |
|                       | 2        |       |      |                       | 18       |       |        |
|                       | 3        |       | 3    |                       |          | 2     |        |
|                       | 4        |       |      |                       |          |       |        |
|                       | 5        |       | 5    |                       | 19       |       | 19     |
|                       | 6        |       | 6    |                       | 20       |       | 20     |
|                       | 7        |       | 7    |                       |          | 2     | 2      |
|                       | 8        |       | 8    |                       |          | 3     | 3      |
|                       | 9        |       | 9    |                       | 21       |       | 21     |
|                       | 10       |       | 10   |                       | 22       |       | 22     |
|                       |          |       |      |                       | 23       |       | 23     |
|                       |          |       |      |                       | 24       |       | 24     |
|                       | 2        |       | 2    |                       | 25       |       | 25     |
|                       | 3        |       | 4    |                       | 26       |       | 26     |
|                       |          |       |      |                       | 27       |       | 27     |
|                       |          |       |      |                       | 28       |       | 28     |
|                       |          |       |      |                       | 29       |       | 29     |
| 46                    | 1        | 45    | 1    |                       | 28       |       | 28     |
|                       | 2        |       | 2    |                       | 29       |       | 29     |
|                       | 3        |       | 3    |                       |          | 2     | 2      |
|                       | 4        |       | 4    |                       |          | 3     | 3      |
|                       | 5        |       | 5    |                       |          | 4     | 4      |
|                       | 6        |       | 6    |                       |          | 5     | 5      |
|                       | 7        |       | 7    |                       |          | 6     | 6      |
|                       | 8        |       | 8    |                       |          | 7     | 7      |
|                       | 9        |       | 9    |                       |          | 8     | 8      |
|                       | 10       |       | 10   |                       |          | 9     | 9      |

SCHEDULE I.—*Continued.*

| R.O. 1888.— <i>Continued.</i> |              |       |              |                                  | R.O. 1888.— <i>Continued.</i> |          |       |        |   |
|-------------------------------|--------------|-------|--------------|----------------------------------|-------------------------------|----------|-------|--------|---|
| Chapter.                      | Section.     | CONS. |              | REMARKS.                         | Chapter.                      | Section. | CONS. |        | REMARKS.  |
|                               |              | Cap.  | Sec.         |                                  |                               |          | Cap.  | Sec.   |   |
| 48                            | 30<br>Form 1 | 59    | 30<br>Form A |                                  | 57                            | 21       | 23    | 22     |   |
|                               | " 2          |       | " B          |                                  | 58                            |          |       |        | Superseded 1893, No.<br>6 and repealed<br>1898, No. 12, s. 1. |
|                               | " 3          |       | " C          |                                  |                               |          |       |        |   |
|                               | " 4          |       | " D          |                                  |                               |          |       |        |   |
| 49                            | 1            | 42    | 1            |                                  | 59                            |          |       |        | Repealed 1892, No.<br>22, s. 194.                             |
|                               | 2            |       | 3            |                                  |                               |          |       |        |   |
| 50                            | 1            | 41    | 1            |                                  | 62                            | 1        | 28    | 1      |   |
|                               | 2            |       | 2            |                                  |                               | 2        |       | 2      |   |
|                               | 3            |       | 3            |                                  |                               | 3        |       | 3      |   |
|                               | 4            |       | 4            |                                  |                               | 4        |       | 4      |   |
|                               | 5            |       | 5            |                                  |                               | 5        |       | 5      |   |
|                               | 6            |       | 6            |                                  |                               | 6        |       | 6      |   |
|                               | 7            |       | 7            |                                  |                               | 7        |       | 7      |   |
| 51                            | 1            |       |              | Re-enacted 1889, No.<br>8, s. 6. |                               | 8        |       | 8      |   |
|                               |              |       |              |                                  |                               | 9        |       | 9      |   |
| 52                            | 1            | 34    | 1            |                                  | 10                            |          |       | 10     |   |
|                               | 2            |       | 2            |                                  | 11                            |          |       | 11     |   |
|                               | 3            |       | 3            |                                  | 12                            |          |       | 12     |   |
|                               | Sched.       |       | Sched.       |                                  | 13                            |          |       | 13     |   |
| 53                            |              |       |              | Repealed 1897, No.<br>38, s. 17. | 14                            |          |       | 14     |   |
|                               |              |       |              |                                  | 15                            |          |       | 15     |   |
| 54                            | 1            | 37    | 1            |                                  | 16                            |          |       | 16     |   |
| 55                            | 1            | 48    | 1            |                                  | 17                            |          |       | 17     |   |
|                               | 2            |       | 2            |                                  | 18                            |          |       | 18     |   |
|                               | 3            |       | 3            |                                  | 19                            |          |       | 19     |   |
|                               | 4            |       | 4            |                                  | 20                            |          |       | 20     |   |
|                               |              |       |              |                                  | Form A                        |          |       | Form A |   |
|                               |              |       |              |                                  | " B                           |          |       | " B    |   |
| 56                            | 1            | 31    | 1            |                                  |                               |          |       |        |   |
| 57                            | 1            | 23    | 1            |                                  |                               |          |       |        |   |
|                               | 2            |       |              | Repealed 1894, No.<br>29, s. 1.  |                               |          |       |        |   |
|                               | 3            |       | 4            |                                  |                               |          |       |        |   |
|                               | 4            |       | 5            |                                  |                               |          |       |        |   |
|                               | 5            |       | 6            |                                  |                               |          |       |        |   |
|                               | 6            |       | 7            |                                  |                               |          |       |        |   |
|                               | 7            |       | 8            |                                  |                               |          |       |        |   |
|                               | 8            |       | 9            |                                  |                               |          |       |        |   |
|                               | 9            |       | 10           |                                  |                               |          |       |        |   |
|                               | 10           |       | 11           |                                  |                               |          |       |        |   |
|                               | 11           |       | 12           |                                  |                               |          |       |        |   |
|                               | 12           |       | 13           |                                  |                               |          |       |        |   |
|                               | 13           |       | 14           |                                  |                               |          |       |        |   |
|                               | 14           |       | 15           |                                  |                               |          |       |        |   |
|                               | 15           |       | 16           |                                  |                               |          |       |        |   |
|                               | 16           |       | 17           |                                  |                               |          |       |        |   |
|                               | 17           |       | 18           |                                  |                               |          |       |        |   |
|                               | 18           |       | 19           |                                  |                               |          |       |        |   |
|                               | 19           |       | 20           |                                  |                               |          |       |        |   |
|                               | 20           |       | 21           |                                  |                               |          |       |        |   |

| ORDINANCES OF 1888. |          |       |      |                                 |
|---------------------|----------|-------|------|---------------------------------|
| Ordinance.          | Section. | CONS. |      | REMARKS.                        |
|                     |          | Cap.  | Sec. |                                 |
| 1                   |          |       |      | Obsolete.                       |
| 2                   |          |       |      | Repealed 1893, No. 3,<br>s. 38. |
| 3                   |          |       |      | Unrepealed.                     |
| 4                   |          |       |      | Unrepealed.                     |
| 5                   | 1        | 52    | 1    |                                 |
|                     | 2        |       |      |                                 |
|                     | 3        |       | 2    |                                 |
|                     | 4        |       |      |                                 |
|                     | 5        |       | 3    |                                 |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1888.— <i>Continued.</i> |          |       |      |          | ORDINANCES OF 1888.— <i>Continued.</i> |               |       |        |                               |
|--|----------|-------|------|----------|--|---------------|-------|--------|-------------------------------|
| Ordinance.                             | Section. | CONS. |      | REMARKS. | Ordinance.                             | Section.      | CONS. |        | REMARKS.                      |
|  |          | Cap.  | Sec. |          |  |               | Cap.  | Sec.   |                               |
| 5                                      | 6        | 52    | 4    | Expired. | 5                                      | 56            | 52    |        | Repealed 1892, No. 24, s. 3.  |
|  | 7        |       | 5    |          |  | 57            |       | 36     | Repealed 1888, No. 7.         |
|  | 8        |       | 6    |          |  | 58            |       | 30     |                               |
|  | 9        |       |      |          |  | 59            |       |        |                               |
|  | 10       |       | 7    |          |  | First Sched.  |       | Form A |                               |
|  | 11       |       | 8    |          |  | Second Sched. |       | Form B | Repealed 1897, No. 34, s. 25. |
|  | 12       |       | 9    |          |  |               |       |        |                               |
|  | 13       |       |      |          |  |               |       |        |                               |
|  | 14       |       | 10   |          |  |               |       |        |                               |
|  | 15       |       | 11   |          | 6                                      |               |       |        | Unnecessary.                  |
|  | 16       |       | 12   |          |  |               |       |        |                               |
|  | 17       |       | 13   |          |  |               |       |        |                               |
|  | 18       |       | 14   |          |  |               |       |        |                               |
|  | 19       |       | 15   |          |  |               |       |        |                               |
|  | 20       |       | 16   |          |  |               |       |        |                               |
|  | 21       |       | 17   |          |  |               |       |        |                               |
|  | 22       |       | 18   |          |  |               |       |        |                               |
|  | 23       |       | 19   |          | ORDINANCES OF 1889.                    |               |       |        |                               |
|  | 24       |       | 20   |          |  |               |       |        |                               |
|  | 25       |       | 21   |          |  |               |       |        |                               |
|  | 26       |       | 23   |          |  |               |       |        |                               |
|  | 27       |       | 24   |          |  |               |       |        |                               |
|  | 28       |       | 22   |          |  |               |       |        |                               |
|  | 29       |       | 25   |          |  |               |       |        |                               |
|  |          | 2     | 2    |          |  |               |       |        |                               |
|  |          | 3     | 3    |          |  |               |       |        |                               |
|  |          | 4     | 4    |          |  |               |       |        |                               |
|  | 30       |       | 26   |          |  |               |       |        |                               |
|  | 31       |       |      |          |  |               |       |        |                               |
|  | 32       |       | 27   |          |  |               |       |        |                               |
|  | 33       |       | 28   |          |  |               |       |        |                               |
|  | 34       |       |      |          |  |               |       |        |                               |
|  |          |       |      |          |  |               |       |        |                               |
|  | 35       |       | 34   |          |  |               |       |        |                               |
|  | 36       |       | 35   |          |  |               |       |        |                               |
|  | 37       |       |      |          |  |               |       |        |                               |
|  |          |       |      |          |  |               |       |        |                               |
|  | 38       |       | 51   |          |  |               |       |        |                               |
|  | 39       |       | 52   |          |  |               |       |        |                               |
|  | 40       |       | 57   |          |  |               |       |        |                               |
|  |          | 1     | 2    |          |  |               |       |        |                               |
|  | 41       |       | 59   |          |  |               |       |        |                               |
|  | 42       |       | 60   |          |  |               |       |        |                               |
|  | 43       |       | 61   |          |  |               |       |        |                               |
|  | 44       |       | 62   |          |  |               |       |        |                               |
|  | 45       |       | 53   |          |  |               |       |        |                               |
|  | 46       |       | 54   |          |  |               |       |        |                               |
|  | 47       |       | 55   |          |  |               |       |        |                               |
|  | 48       |       | 63   |          |  |               |       |        |                               |
|  | 49       |       | 64   |          |  |               |       |        |                               |
|  | 50       |       | 58   |          |  |               |       |        |                               |
|  | 51       |       | 65   |          |  |               |       |        |                               |
|  | 52       |       | 66   |          |  |               |       |        |                               |
|  | 53       |       |      |          |  |               |       |        |                               |
|  |          |       |      |          |  |               |       |        |                               |
|  | 54       |       |      |          |  |               |       |        |                               |
|  |          |       |      |          |  |               |       |        |                               |
|  | 55       |       | 56   |          |  |               |       |        |                               |



SCHEDULE I.—*Continued.*

| ORDINANCES OF 1890.— <i>Continued.</i> |          |       |        |                                   | ORDINANCES OF 1890.— <i>Continued.</i> |          |       |      |  |
|--|----------|-------|--------|-----------------------------------|--|----------|-------|------|--|
| Ordinance.                             | Section. | CONS. |        | REMARKS.                          | Ordinance.                             | Section. | CONS. |      | REMARKS.   |
|  |          | Cap.  | Sec.   |                                   |  |          | Cap.  | Sec. |  |
| 13                                     | 1        | 31    | 1      |                                   | 19                                     |          |       |      | Repealed 1895, No. 9, s. 35.                             |
| 14                                     | 1        | 52    | 29     |                                   | 20                                     | 1        |       |      | Repeals 1889, No. 16.                                    |
| 15                                     |          |       |        | Repealed 1892, No. 22, s. 194.    | 20                                     | 2        | 47    | 1    |  |
| 16                                     | 1        | 49    | 1      |                                   | 21                                     |          |       |      | Superseded 1893, No. 6, and repealed 1898, No. 12, s. 1. |
|  | 2        |       | 2      |                                   | 22                                     |          |       |      | Unrepealed.  |
|  | 3        |       | 3      |                                   | 23                                     |          |       |      | Unrepealed.  |
|  | 4        |       | 4      |                                   | 24                                     |          |       |      | Unrepealed.  |
|  | 5        | 1     | 5      | 1                                 |  |          |       |      |  |
|  | 6        | 1     | 2      | 2                                 |  |          |       |      |  |
|  | 7        | 1     | 6      |                                   |  |          |       |      |  |
|  | 8        |       | 7      |                                   |  |          |       |      |  |
|  | 9        |       | 8      |                                   |  |          |       |      |  |
|  | 10       | 1     | 9      |                                   |  |          |       |      |  |
|  | 11       |       | 10     |                                   |  |          |       |      |  |
|  | 12       |       | 11     |                                   |  |          |       |      |  |
|  | 13       |       | 12     |                                   |  |          |       |      |  |
|  | 14       |       | 13     |                                   |  |          |       |      |  |
|  |          | 1     | 14     |                                   |  |          |       |      |  |
|  |          | 2     | 15     | 2                                 |  |          |       |      |  |
|  |          |       | 16     | 3                                 |  |          |       |      |  |
|  | 15       |       | 17     |                                   |  |          |       |      |  |
|  | 16       |       | 18     |                                   |  |          |       |      |  |
|  | 17       |       | 19     |                                   |  |          |       |      |  |
|  | 18       |       | 20     |                                   |  |          |       |      |  |
|  | 19       |       | 21     |                                   |  |          |       |      |  |
|  | 20       |       | 22     |                                   |  |          |       |      |  |
|  | 21       |       | 23     |                                   |  |          |       |      |  |
|  | 22       |       | 24     |                                   |  |          |       |      |  |
|  | 23       |       | 25     |                                   |  |          |       |      |  |
| 17                                     | 1        | 67    | 1      |                                   |  |          |       |      |  |
|  | 2        |       | 2      |                                   |  |          |       |      |  |
|  | 3        |       | 3      |                                   |  |          |       |      |  |
|  | 4        |       | 4      |                                   |  |          |       |      |  |
|  | 5        |       | 5      |                                   |  |          |       |      |  |
|  | 6        |       | 6      |                                   |  |          |       |      |  |
|  | 7        |       | 8      |                                   |  |          |       |      |  |
|  | 8        |       | 9      |                                   |  |          |       |      |  |
|  | 9        |       | 10     |                                   |  |          |       |      |  |
|  | 10       |       | 11     |                                   |  |          |       |      |  |
|  | 11       |       | 12     |                                   |  |          |       |      |  |
|  | 12       |       | 13     |                                   |  |          |       |      |  |
|  | 13       |       |        | Repealed 1897, No. 38, s. 37 (8). |  |          |       |      |  |
|  | 14       |       | 14     |                                   |  |          |       |      |  |
|  | Form A   |       | Form A |                                   |  |          |       |      |  |
|  | " B      |       |        | Repealed 1897, No. 38, s. 37 (9). |  |          |       |      |  |
| 18                                     |          |       |        | Repealed 1891-92, No. 26, s. 10.  |  |          |       |      |  |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1891-92.— <i>Continued.</i> |          |       |        |  | ORDINANCES OF 1891-92.— <i>Continued.</i> |           |       |          |   |
|---|----------|-------|--------|--|---|-----------|-------|----------|---|
| Ordinance.                                | Section. | CONS. |        | REMARKS.   | Ordinance.                                | Section.  | CONS. |          | REMARKS.                                |
|   |          | Cap.  | Sec.   |  |   |           | Cap.  | Sec.     |   |
| 15  | 1        | 65    | 22     | Obsolete.  | 22  | 5         | 54    | 23       | Obsolete.                               |
|   | 2        |       | 22     |  |   | 6         |       | 3        |   |
|   | 3        |       | 22     |  |   | 7         |       | 4        |   |
|   | 4        |       | 21     |  |   | 8         |       | 5        |   |
|   | 5        |       | 23     |  |   | 9         |       | 6        |   |
|   | 6        |       |        |  |   | 10        |       | 7        |   |
|   | 7        |       | 24     |  |   | 11        |       | 8        |   |
|   | Sched.   |       | Form C |  |   | 12        |       | 9        |   |
| 16  |          |       |        | Repealed 1897, No. 38, s. 41.                            |   | 13        |       | 10       |   |
|   |          |       |        |  |   | 14        |       | 11       |   |
| 17  | 1        | 61    | 88     | Repeals s. 92, cap. 30, R.O.                             |   | 15        |       |          |   |
|   | 2        |       | 89     |  |   | 16        |       | 12       |   |
|   | 3        |       |        |  |   | 17        |       | 13       |   |
|   |          |       |        |  |   | 18        |       | 14       |   |
|   |          |       |        |  |   | 19        |       | 15       |   |
|   |          |       |        |  |   | 20        |       | 18       |   |
|   |          |       |        |  |   | 21        |       | 19       |   |
|   | 4        |       | 90     |  |   | 22        |       | 20       |   |
|   |          |       | 91     |  |   | 23        |       | 24       |   |
|   |          |       | 92     |  |   | 24        |       | 16       |   |
|   |          |       | 93     |  |   | 25        |       | 17       |   |
|   |          |       | 94     |  |   | 26        |       | 27       |   |
|   |          |       | 96     |  |   | 27        |       | 21       |   |
|   |          |       | 100    |  |   | 28        |       | 28       |   |
|   | 5        |       | 95     | 2  |   | 29        |       | 25       |   |
| 18  |          |       |        | Repealed 1897, No. 7, s. 26.                             |   | 30        |       | 26       | Unnecessary.                            |
| 19  | 1        | 66    | 1      |  |   | 31        |       | 30       |   |
|   | 2        |       | 2      |  |   | 32        |       | 31       |   |
|   | 3        |       | 3      |  |   | 33        |       | 29       |   |
|   | 4        |       | 4      |  |   | 34        |       | 33       |   |
|   | 5        |       | 5      |  |   | 35        |       | 32       |   |
|   | 6        |       | 6      |  |   | 36        |       |          |   |
|   | 7        |       | 7      |  |   | Sched. 1. |       | Form A   |   |
|   | 8        |       | 8      |  |   | " 2       |       |          |   |
|   | 9        |       | 9      |  |   | Form A    |       | Sched. 2 |   |
|   | 10       |       | 10     |  |   | " B       |       | Form C   | Unnecessary.                            |
|   | 11       |       | 11     |  |   | " C       |       | " B      |   |
|   | 12       |       | 12     |  |   | " D       |       | Sched. 3 |   |
|   | 13       |       | 13     |  |   |           |       |          |   |
|   | 14       |       | 14     |  | 23  |           |       |          | Repealed 1897, No. 23, s. 32.           |
|   | 15       |       | 15     |  |   |           |       |          | Repealed 1897, No. 19, s. 34.           |
|   | 2        |       |        |  | 24  |           |       |          |   |
|   | 3        |       |        |  |   |           |       |          |   |
|   | 16       |       | 16     |  | 25  |           |       |          | Repealed 1894, No. 3, part VIII, s. 41. |
|   | Sched.   |       | Sched. |  |   |           |       |          |   |
| 20  |          |       |        | Superseded 1893, No. 6, and repealed 1898, No. 12, s. 1. | 26  | 1         | 77    | 2        |   |
|   |          |       |        |  |   | 2         |       | 3        |   |
|   |          |       |        |  |   | 3         |       | 3        |   |
|   |          |       |        |  |   | 4         |       | 4        |   |
|   |          |       |        |  |   | 5         |       | 5        |   |
| 21  |          |       |        | Disallowed 29 Sep., 1892.                                |   | 6         |       | 5        |   |
|   |          |       |        |  |   | 7         |       | 6        |   |
|   |          |       |        |  |   | 8         |       |          |   |
|   |          |       |        |  |   |           |       |          |   |
| 22  | 1        | 54    | 1      |  |   |           |       |          | Repealed 1897, No. 38, s. 56 (8).       |
|   | 2        |       | 2      |  |   |           |       |          |   |
|   | 3        |       | 2      |  |   |           |       |          |   |
|   | 4        |       | 22     |  |   |           |       |          |   |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1891-92.— <i>Continued.</i> |          |       |        |   | ORDINANCES OF 1892.— <i>Continued.</i> |          |       |      |                               |
|---|----------|-------|--------|---|--|----------|-------|------|-------------------------------|
| Ordinance.                                | Section. | CONS. |        | REMARKS.                                | Ordinance.                             | Section. | CONS. |      | REMARKS.                      |
|   |          | Cap.  | Sec.   |   |  |          | Cap.  | Sec. |                               |
| 26  | 9        |       |        | Repealed 1897, No. 38, s. 56 (9).       | 2                                      |          |       |      | Repealed 1895, No. 22, s. 7.  |
|   | 10       |       |        | Repeals cap. 12, R. O.; No. 18 of 1890. | 3                                      |          | 1     | 8    | 19                            |
| 27  |          |       |        | Repealed 1897, No. 38, s. 44.           | 4                                      |          |       |      | Repealed 1897, No. 38, s. 44. |
| 28  |          |       |        | Repealed 1892, No. 22, s. 194.          | 5                                      | 1        | 68    | 7    |                               |
|   |          |       |        |   |  |          | 1     | 8    |                               |
| 29  | 1        | 35    | 1      |   |  | 2        |       | 9    |                               |
|   | 2        |       | 3      |   |  | 3        |       | 10   |                               |
|   | 3        |       | 4      |   |  | 4        |       | 24   |                               |
|   | 4        |       | 5      |   |  | 5        |       | 25   |                               |
|   | 5        |       | 6      |   |  | 6        |       | 26   |                               |
|   | 6        |       | 7      |   |  | 7        |       | 27   |                               |
|   | 7        |       | 8      |   |  | 8        |       | 28   |                               |
|   | 8        |       | 9      |   |  | 9        |       | 29   |                               |
|   | 9        | a     | 10     | 2                                       |  | 10       |       | 30   |                               |
|   | 10       |       | 11     |   |  | 11       |       | 31   |                               |
|   | 11       | 2     | 12     | 2                                       |  | 12       |       | 32   |                               |
|   | 12       | 2     | 13     | 2                                       |  | 13       |       |      | Repealed 1898, No. 25, s. 2.  |
|   | 13       | 2     | 14     | 2                                       |  | 14       |       |      |                               |
|   | 14       | 2     | 15     |   |  | 15       |       | 33   |                               |
|   | 15       |       | 16     |   |  | 16       |       | 34   |                               |
|   | 16       |       |        | Unrepealed.                             |  | 17       |       | 36   |                               |
|   | 17       |       | 2      |   |  | 18       |       | 35   |                               |
|   | Sched.   |       | Sched. |   |  |          |       |      |                               |
| 30  |          |       |        | Unrepealed.                             | 6                                      |          |       |      | Repealed 1897, No. 41, s. 15. |
| 31  |          |       |        | Unrepealed.                             | 7                                      | 1        | 71    | 1    |                               |
| 32  |          |       |        | Unrepealed.                             |  |          | 1}    |      | Repealed 1895, No. 27, s. 1.  |
| 33  |          |       |        | Unrepealed.                             |  |          | 2}    |      | Repealed 1895, No. 27, s. 21. |
| 34  |          |       |        | Unrepealed.                             | 8                                      |          |       | 5    |                               |
| 35  |          |       |        | Unrepealed.                             | 9                                      |          |       |      | Unrepealed.                   |
| 36  |          |       |        | Unrepealed.                             | 10                                     |          |       |      | Unrepealed.                   |
| 37  |          |       |        | Unrepealed.                             | 11                                     |          |       |      | Repealed 1897, No. 29, s. 22. |
| 38  |          |       |        | Expired.                                | 12                                     |          |       |      | Repealed 1895, No. 3.         |
|   |          |       |        |   | 13                                     |          |       |      | Unrepealed.                   |
|   |          |       |        |   | 14                                     | 1        | 27    | 1    |                               |
| ORDINANCES OF 1892.                       |          |       |        |   | 15                                     |          |       |      | Repealed 1897, No. 34, s. 25. |
| 1   |          |       |        | Repealed 1897, No. 16 38, s. 4.         |  |          |       |      | Repealed 1897, No. 38, s. 41. |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1892.---Continued. |          |       |        |  | ORDINANCES OF 1892.---Continued. |          |       |      |  |
|----------------------------------|----------|-------|--------|--|----------------------------------|----------|-------|------|--|
| Ordinance.                       | Section. | CONS. |        | REMARKS.   | Ordinance.                       | Section. | CONS. |      | REMARKS.   |
|                                  |          | Cap.  | Sec.   |  |                                  |          | Cap.  | Sec. |  |
| 17                               |          |       |        | Repealed 1893, No. 12, s. 30.                                    | 25                               | 2        |       |      | Repealed 1897, No. 35, s. 2.                             |
| 18                               | 1        | 20    | 1      |  |                                  | 3        |       |      | Repealed 1896, No. 6, s. 1.                              |
|                                  | 2        |       | 2      |  |                                  | 4        | 46    | 14   |  |
|                                  | 3        |       | 3      |  |                                  | 5        |       | 9    |  |
|                                  | 4        |       | 4      |  |                                  | 6        |       |      | Form B4  |
|                                  | 5        |       | 5      |  |                                  | 7        |       |      | Unrepealed.  |
|                                  | 6        |       | 6      |  |                                  |          |       |      |  |
|                                  | 7        |       | 7      |  | 26                               |          |       |      | Superseded 1893, No. 6, and repealed 1898, No. 12, s. 1. |
|                                  | 8        |       | 8      |  |                                  |          |       |      |  |
|                                  | 9        |       | 9      |  | 27                               |          |       |      | Repealed 1894, No. 3, part VIII, s. 41.                  |
| Sched.                           |          |       | Sched. |  | 28                               |          |       |      | Repealed 1897, No. 7, s. 126.                            |
| 19                               |          |       |        | Repealed 1893, No. 8, s. 20.                                     | 29                               |          |       |      | Unrepealed.  |
| 20                               | 1        | 69    | 1      |  | 30                               |          |       |      | Repealed 1897, No. 40, s. 9.                             |
|                                  | 2        |       | 2      |  | 31                               |          |       |      | Repealed 1897, No. 27, s. 30.                            |
|                                  | 3        |       | 3      |  | 32                               | 1        | 65    | 17   |  |
|                                  | 4        |       | 4      |  | 33                               |          |       |      | Unrepealed.  |
|                                  | 5        |       | 5      |  | 34                               |          |       |      | Unrepealed.  |
|                                  | 6        |       | 6      |  | 35                               |          |       |      | Repealed 1897, No. 38, s. 48.                            |
|                                  | 7        |       | 7      |  | 36                               |          |       |      | Repealed 1896, No. 17, s. 11.                            |
|                                  | 8        | 1     | 8      |  | 37                               |          |       |      | Repealed 1893, No. 10, s. 24.                            |
|                                  | 9        | 2     | 9      |  |                                  |          |       |      |  |
|                                  | 10       | 3     | 10     |  |                                  |          |       |      |  |
|                                  | 11       |       | 11     |  |                                  |          |       |      |  |
|                                  | 12       |       | 12     |  |                                  |          |       |      |  |
|                                  | 13       | a     | 13     | Unrepealed.<br>Repeals cap. 23, R. O.; No. 4, 1889; No. 3, 1890. |                                  |          |       |      |  |
| Form A                           |          |       | Form A |  |                                  |          |       |      |  |
| " B                              |          |       | " B    |  |                                  |          |       |      |  |
| " C                              |          |       | " C    |  |                                  |          |       |      |  |
| 21                               |          |       |        | Repealed 1894, No. 2, s. 89.                                     |                                  |          |       |      |  |
| 22                               |          |       |        | Repealed 1896, No. 2, s. 229.                                    |                                  |          |       |      | ORDINANCES OF 1893.                                      |
| 23                               |          |       |        | Repeals No. 1, 1891-92.  |                                  |          |       |      |  |
| 24                               | 1        | 52    | 38     |  | 2                                |          |       |      | Repealed 1895, No. 4.                                    |
|                                  | 2        |       | 61     |  | 3                                |          |       |      | Repealed 1895, No. 17, s. 42.                            |
|                                  | 3        |       | 33     |  | 4                                |          |       |      | Repealed 1894, No. 2, s. 89.                             |
|                                  | 4        |       | 31     |  | 5                                |          |       |      | Repealed 1898, No. 9, s. 46.                             |
|                                  | 5        |       | 32     |  |                                  |          |       |      |  |
|                                  | 6        |       |        | Obsolete.  |                                  |          |       |      |  |
| 25                               | 1        |       |        | Repealed 1897, No. 35, s. 1.                                     |                                  |          |       |      |  |



SCHEDULE I.—*Continued.*

| ORDINANCES OF 1893.— <i>Continued.</i> |          |       |               |                                     | ORDINANCES OF 1893.— <i>Continued.</i> |          |       |        |          |
|--|----------|-------|---------------|-------------------------------------|--|----------|-------|--------|----------|
| Ordinance.                             | Section. | CONS. |               | REMARKS.                            | Ordinance.                             | Section. | CONS. |        | REMARKS. |
|  |          | Cap.  | Sec.          |                                     |  |          | Cap.  | Sec.   |          |
| 6                                      | 1        | 21    | 1             |                                     | 6                                      | 19       | 21    | Rule 1 |          |
|  | 2        |       | 2             |                                     |  | 20       |       | 2      |          |
|  |          | 1     | 1             |                                     |  | 21       |       | 3      |          |
|  |          | 2     | 2             |                                     |  |          | 1     | 2      |          |
|  |          | 3     | 3             |                                     |  |          | 2     | 3      |          |
|  |          | 4     | 4             |                                     |  |          | 3     | 4      |          |
|  |          | 5     | 5             |                                     |  |          | 4     | 5      | 2        |
|  |          | 6     | 6             |                                     |  | 22       |       | 9      |          |
|  |          | 7     | 7             |                                     |  | 23       |       | 5      |          |
|  |          | 8     | 8             |                                     |  | 24       |       | 6      |          |
|  |          | 9     | 9             |                                     |  | 25       |       | 7      |          |
|  |          | 10    | 10            |                                     |  | 26       |       | 8      |          |
|  |          | 11    | 11            |                                     |  | 27       |       | 10     |          |
|  |          | 12    | 13            |                                     |  | 28       |       | 11     |          |
|  |          | 13    | 14            |                                     |  | 29       |       | 12     |          |
|  |          | 14    | 15            |                                     |  | 30       |       | 13     |          |
|  |          | 15    | 16            |                                     |  | 31       |       | 14     |          |
|  |          | 16    |               | Repealed 1897, No.<br>6, s. 1 (3).  |  |          | 1     | 1      |          |
|  |          |       |               |                                     |  |          | 2     | 2      |          |
|  |          |       |               |                                     |  |          | 3     | 3      |          |
|  | 3        |       | 3             |                                     |  |          | 4     | 15     |          |
|  | 4        |       | 4             | 1                                   |  |          | 5     | 14     | 4        |
|  | 5        |       | 5             |                                     |  |          | 6     | 5      |          |
|  | 6        |       | 6             |                                     |  |          | 7     | 6      |          |
|  | 7        |       | 7             |                                     |  |          | 8     | 7      |          |
|  | 8        |       |               | Repealed 1897, No.<br>6, s. 1 (66). |  |          | 9     | 8      |          |
|  | 9        |       | 8             |                                     |  |          | 10    | 9      |          |
|  | 10       |       | 10            |                                     |  |          | 11    | 16     |          |
|  | 11       | 23    | 23            |                                     |  | 32       |       | 18     |          |
|  |          |       |               |                                     |  |          | 1     | 1      |          |
|  | 11       | 22    | 8             |                                     |  |          | 2     | 2      |          |
|  |          |       |               |                                     |  |          | 3     | 3      |          |
|  | 12       |       |               | Repealed 1897, No.<br>38, s. 8 (2). |  |          | 4     | 4      |          |
|  |          |       |               |                                     |  |          | 5     | 5      |          |
|  | 13       | 23    | 24            |                                     |  |          | 6     | 6      |          |
|  |          |       |               |                                     |  |          | 7     | 7      |          |
|  | 13       | 22    | 9             |                                     |  |          | 8     | 8      |          |
|  |          |       |               |                                     | 33                                     |          |       | 19     |          |
|  | 14       | 23    | 25            |                                     | 34                                     |          |       | 20     |          |
|  |          |       |               |                                     |  | 1        |       | 21     |          |
|  | 14       | 22    | 10            |                                     |  |          |       | 23     |          |
|  |          |       |               |                                     | 35                                     |          |       | 24     |          |
|  | 15       |       |               | Repealed 1897, No.<br>38, s. 8 (4). | 36                                     |          |       | 26     |          |
|  |          |       |               |                                     | 37                                     |          |       | 27     |          |
|  | 16       | 22    | 14            |                                     | 38                                     |          |       | 29     |          |
|  |          |       |               |                                     | 39                                     |          |       | 30     |          |
|  | 17       | 121   | 11            | 1                                   | 40                                     |          |       | 31     |          |
|  |          |       |               |                                     | 41                                     |          |       | 32     |          |
|  |          |       |               |                                     | 42                                     |          |       | 33     |          |
|  |          |       |               |                                     | 43                                     |          |       | 34     |          |
|  |          |       |               |                                     | 44                                     |          |       | 33     | 2        |
|  |          |       |               |                                     | 45                                     |          |       | 234    |          |
|  | 2        |       | { 2<br>3<br>5 |                                     | 46                                     |          |       | 35     |          |
|  |          |       |               |                                     | 47                                     |          |       | 36     |          |
|  | 3        |       |               | Repealed 1897, No.<br>6, s. 1 (5).  | 48                                     |          |       | 37     |          |
|  |          |       |               |                                     | 49                                     |          |       | 38     |          |
|  | 4        |       | 13            |                                     | 50                                     |          |       | 39     |          |
| 18                                     |          |       |               | Repealed 1894, No.<br>5, s. 1.      | 51                                     |          |       | 40     |          |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1893.---Continued. |          |       |       | ORDINANCES OF 1893.---Continued. |            |          |       |       |                       |
|----------------------------------|----------|-------|-------|----------------------------------|------------|----------|-------|-------|-----------------------|
| Ordinance.                       | Section. | CONS. |       | REMARKS.                         | Ordinance. | Section. | CONS. |       | REMARKS.              |
|                                  |          | Cap.  | Sec.  |                                  |            |          | Cap.  | Sec.  |                       |
|                                  |          |       | RULE. |                                  |            |          |       | RULE. |                       |
| 6                                | 52       | 21    | 41    |                                  | 6          | 105      | 21    | 112   |                       |
|                                  | 53       |       | 42    |                                  |            | 106      |       | 113   |                       |
|                                  | 54       |       | 43    |                                  |            | 107      |       | 114   |                       |
|                                  | 55       |       | 37    | 2                                |            | 108      |       | 115   |                       |
|                                  | 56       |       |       | Repealed 1897, No.               |            | 109      |       | 116   |                       |
|                                  | 57       |       | 60    | 6, s. 1 (15).                    |            | 110      |       | 117   |                       |
|                                  | 58       |       | 61    |                                  |            | 111      |       | 118   |                       |
|                                  | 59       |       | 62    |                                  |            | 112      |       | 119   |                       |
|                                  | 60       |       | 63    |                                  |            | 113      |       | 120   |                       |
|                                  | 61       |       | 64    |                                  |            | 114      |       | 121   |                       |
|                                  | 62       |       | 65    |                                  |            | 115      |       | 122   |                       |
|                                  | 63       |       | 66    |                                  |            | 116      |       | 123   |                       |
|                                  | 64       |       | 67    |                                  |            | 117      |       | 124   |                       |
|                                  | 65       |       | 68    |                                  |            | 118      |       | 125   |                       |
|                                  | 66       |       | 69    |                                  |            | 119      |       | 126   |                       |
|                                  | 67       |       | 70    |                                  |            | 120      |       | 127   |                       |
|                                  | 68       |       | 72    |                                  |            | 121      |       | 128   |                       |
|                                  | 69       |       | 77    |                                  |            | 122      |       | 173   |                       |
|                                  | 70       |       | 79    |                                  |            | 123      |       | 129   |                       |
|                                  | 71       |       | 80    |                                  |            | 124      |       | 158   |                       |
|                                  | 72       |       | 81    |                                  |            | 125      |       | 159   |                       |
|                                  | 73       |       |       | Repealed 1894, No.               |            | 126      |       |       | Repealed 1898, No.    |
|                                  |          |       |       | 5, s. 3.                         |            |          |       |       | 12, s. 9.             |
|                                  | 74       |       |       | Repealed 1897, No.               |            | 127      |       | 161   |                       |
|                                  |          |       |       | 6, s. 1 (21).                    |            | 128      |       | 162   |                       |
|                                  | 75       |       | 83    |                                  |            | 129      |       | 163   |                       |
|                                  | 76       |       | 84    |                                  |            | 130      |       | 164   |                       |
|                                  | 77       |       | 85    |                                  |            | 131      |       | 165   |                       |
|                                  | 78       |       | 86    |                                  |            | 132      |       | 166   |                       |
|                                  | 79       |       |       | Repealed 1898, No.               |            | 133      |       | 167   |                       |
|                                  |          |       |       | 12, s. 5.                        |            | 134      |       | 168   |                       |
|                                  | 80       |       | 89    |                                  |            | 135      |       |       | Repealed 1897, No.    |
|                                  | 81       |       | 90    |                                  |            |          |       |       | 6, s. 1 (26).         |
|                                  | 82       |       | 92    |                                  |            | 136      |       |       | Repealed 1897, No.    |
|                                  | 83       |       |       | Repealed 1898, No.               |            |          |       |       | 6, s. 1 (26).         |
|                                  |          |       |       | 12, s. 8.                        |            | 137      |       |       | Repealed 1897, No.    |
|                                  | 84       |       | 101   |                                  |            |          |       |       | 6, s. 1 (26).         |
|                                  | 85       |       | 153   |                                  |            | 138      |       |       | Repealed 1897, No.    |
|                                  | 86       |       | 154   |                                  |            |          |       |       | 6, s. 1 (26).         |
|                                  | 87       |       | 155   |                                  |            | 139      |       |       | Repealed 1897, No.    |
|                                  | 88       |       | 156   |                                  |            |          |       |       | 6, s. 1 (26).         |
|                                  | 89       |       | 157   |                                  |            |          | 1     |       | Repealed 1897, No.    |
|                                  | 90       |       | 95    |                                  |            |          |       |       | 6, s. 1 (26).         |
|                                  | 91       |       | 96    |                                  |            |          | 2     |       | Repealed 1897, No.    |
|                                  | 92       |       | 97    |                                  |            |          |       |       | 6, s. 1 (26).         |
|                                  | 93       |       | 102   |                                  |            |          | 3     |       | Repealed 1897, No. 6, |
|                                  | 94       |       | 98    |                                  |            |          |       |       | s. 1 (26).            |
|                                  | 95       |       | 100   |                                  |            | 140      |       |       | Repealed 1897, No.    |
|                                  | 96       |       | 103   |                                  |            |          |       |       | 6, s. 1 (26).         |
|                                  | 97       |       | 104   |                                  |            | 141      |       |       | Repealed 1897, No.    |
|                                  | 98       |       | 105   |                                  |            |          |       |       | 6, s. 1 (26).         |
|                                  | 99       |       | 106   |                                  |            | 142      |       |       | Repealed 1897, No.    |
|                                  | 100      |       | 107   |                                  |            |          |       |       | 6, s. 1 (26).         |
|                                  | 101      |       | 108   |                                  |            | 143      |       |       | Repealed 1897, No.    |
|                                  | 102      |       | 109   |                                  |            |          |       |       | 6, s. 1 (26).         |
|                                  | 103      |       | 110   |                                  |            | 144      |       |       | Repealed 1897, No.    |
|                                  | 104      |       | 111   |                                  |            |          |       |       | 6, s. 1 (26).         |

SCHEDULE I.—Continued.

| ORDINANCES OF 1893.---Continued. |          |       |       | ORDINANCES OF 1893.---Continued. |            |          |       |       |                                  |
|----------------------------------|----------|-------|-------|----------------------------------|------------|----------|-------|-------|----------------------------------|
| Ordinance.                       | Section. | CONS. |       | REMARKS.                         | Ordinance. | Section. | CONS. |       | REMARKS.                         |
|                                  |          | Cap.  | Sec.  |                                  |            |          | Cap.  | Sec.  |                                  |
| 6145                             | 21       |       | RULE. | Repealed 1897, No. 6, s. 1 (26). | 6199       | 21       |       | RULE. |                                  |
| 146                              |          | 143   |       |                                  | 200        |          | 214   |       |                                  |
| 147                              |          | 145   |       |                                  | 201        |          | 215   |       |                                  |
| 148                              |          | 146   |       |                                  |            | a        | 216   |       |                                  |
| 149                              |          | 147   |       |                                  |            | b        | 217   |       |                                  |
| 150                              |          | 148   |       |                                  | 202        |          | 218   |       |                                  |
| 151                              |          | 149   |       |                                  | 203        |          | 219   |       |                                  |
| 152                              |          | 150   |       |                                  |            | a        | 220   |       |                                  |
| 153                              |          | 151   |       |                                  | 204        |          | 221   |       |                                  |
| 154                              |          | 169   |       |                                  | 205        |          | 222   |       |                                  |
| 155                              |          | 170   |       |                                  | 206        |          | 223   |       |                                  |
| 156                              |          | 171   |       |                                  | 207        |          | 224   |       |                                  |
| 157                              |          | 262   |       |                                  | 208        |          | 225   |       |                                  |
| 158                              |          | 172   |       |                                  | 209        |          | 226   |       |                                  |
| 159                              |          | 152   |       |                                  | 210        |          | 227   |       |                                  |
| 160                              |          | 174   |       |                                  | 211        |          | 228   |       |                                  |
| 161                              |          | 175   |       |                                  | 212        |          | 229   |       |                                  |
| 162                              |          | 176   |       |                                  | 213        |          | 230   |       |                                  |
| 163                              |          | 177   |       |                                  | 214        |          | 231   |       |                                  |
| 164                              |          | 178   |       |                                  | 215        |          | 232   |       |                                  |
| 165                              |          | 179   |       |                                  | 216        |          | 233   |       |                                  |
| 166                              |          | 180   |       |                                  | 217        |          | 234   |       |                                  |
| 167                              |          | 181   |       |                                  | 218        |          | 235   |       |                                  |
| 168                              |          | 182   |       |                                  | 219        |          | 236   |       |                                  |
| 169                              |          | 183   |       |                                  | 220        |          | 237   |       |                                  |
| 170                              |          | 184   |       |                                  | 221        |          | 238   |       |                                  |
| 171                              |          | 185   |       |                                  | 222        |          | 239   |       |                                  |
| 172                              |          | 186   |       |                                  | 223        |          | 240   |       |                                  |
| 173                              |          | 187   |       |                                  | 224        |          | 241   |       |                                  |
| 174                              |          | 188   |       |                                  | 225        |          | 242   |       |                                  |
| 175                              |          | 189   |       |                                  | 226        |          | 491   |       |                                  |
| 176                              |          | 190   |       |                                  | 227        |          | 492   |       |                                  |
| 177                              |          | 191   |       |                                  | 228        |          | 493   |       |                                  |
| 178                              |          | 192   |       |                                  | 229        |          | 494   |       |                                  |
| 179                              |          | 193   |       |                                  | 230        |          | 594   |       |                                  |
| 180                              |          | 194   |       |                                  | 231        |          | 595   |       |                                  |
| 181                              |          | 195   |       |                                  | 232        |          | 250   |       |                                  |
| 182                              |          | 196   |       |                                  | 233        |          | 251   |       |                                  |
| 183                              |          | 197   |       |                                  | 234        |          | 252   |       |                                  |
| 184                              |          | 198   |       |                                  | 235        |          | 253   |       |                                  |
| 185                              |          | 199   |       |                                  | 236        |          | 254   |       |                                  |
| 186                              |          | 200   |       |                                  | 237        |          | 255   |       |                                  |
| 187                              |          | 201   |       |                                  | 238        |          | 256   |       |                                  |
| 188                              |          | 202   |       |                                  | 239        |          | 257   |       |                                  |
| 189                              |          | 203   |       |                                  |            |          | 258   |       |                                  |
| 190                              |          |       |       | Repealed 1897, No. 6, s. 1 (28). |            |          | 259   |       |                                  |
| 191                              |          | 205   |       |                                  | 240        |          | 260   |       |                                  |
| 192                              |          | 206   |       |                                  | 241        |          | 243   |       |                                  |
| 193                              |          | 207   |       |                                  | 242        |          | 244   |       |                                  |
|                                  | a        | 208   |       |                                  | 243        |          | 263   |       |                                  |
| 194                              |          | 209   |       |                                  | 244        |          | 264   |       |                                  |
| 195                              |          | 210   |       |                                  | 245        |          | 265   |       |                                  |
| 196                              |          | 211   |       |                                  | 246        |          | 266   |       |                                  |
| 197                              |          | 212   |       |                                  | 247        |          | 267   |       |                                  |
| 198                              |          | 213   |       |                                  | 249        |          | 268   |       |                                  |
|                                  |          |       |       |                                  | 250        |          | 269   |       |                                  |
|                                  |          |       |       |                                  | 251        |          | 270   |       |                                  |
|                                  |          |       |       |                                  |            |          | 271   |       |                                  |
|                                  |          |       |       |                                  |            |          | 272   |       |                                  |
|                                  |          |       |       |                                  |            |          |       |       | Repealed 1897, No. 6, s. 1 (32). |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1893.— <i>Continued.</i> |          |       |                                     | ORDINANCES OF 1893.— <i>Continued.</i> |          |       |                                    |
|--|----------|-------|-------------------------------------|--|----------|-------|------------------------------------|
| Ordinance.                             | Section. | CONS. |                                     | Ordinance.                             | Section. | CONS. |                                    |
|  |          | Cap.  | Sec.                                |  |          | Cap.  | Sec.                               |
| 6 252                                  | 21       | RULE. |                                     | 6 307                                  | 21       | RULE. |                                    |
| 253                                    |          | 273   |                                     | 308                                    |          | 326   |                                    |
| 254                                    |          | 274   |                                     | 309                                    |          | 328   |                                    |
| 255                                    |          | 276   |                                     | 310                                    |          | 316   |                                    |
| 256                                    |          | 275   |                                     | 311                                    |          | 329   |                                    |
| 257                                    |          | 277   |                                     | 312                                    |          | 330   |                                    |
| 258                                    |          | 278   |                                     | 313                                    |          | 331   |                                    |
| 259                                    |          | 279   |                                     | 314                                    |          | 332   |                                    |
| 260                                    |          | 280   |                                     | 315                                    |          | 333   |                                    |
| 261                                    |          | 281   |                                     | 316                                    |          | 334   |                                    |
| 262                                    |          | 282   |                                     | 317                                    |          | 335   |                                    |
| 263                                    |          | 283   |                                     | 318                                    |          | 336   |                                    |
| 264                                    |          | 284   |                                     | 319                                    |          | 337   |                                    |
| 265                                    |          | 285   |                                     |  |          | 338   |                                    |
| 266                                    |          | 286   |                                     |  | a        |       | a                                  |
| 267                                    |          | 287   |                                     |  | b        |       | b                                  |
| 268                                    |          | 288   |                                     | 320                                    |          | 339   |                                    |
| 269                                    |          | 289   |                                     | 321                                    |          | 340   |                                    |
| 270                                    |          | 290   |                                     | 322                                    |          | 341   |                                    |
| 271                                    |          | 291   |                                     | 323                                    |          | 342   |                                    |
| 272                                    |          | 292   |                                     | 324                                    |          | 343   |                                    |
|  |          |       | Repealed 1897, No.<br>6, s. 1 (33). |  | 1        |       | a                                  |
|  |          |       |                                     |  | 2        |       | b                                  |
| 273                                    |          | 293   |                                     |  | 3        |       | c                                  |
| 274                                    |          | 294   |                                     | 325                                    |          | 344   |                                    |
| 275                                    |          | 295   |                                     | 326                                    |          | 345   |                                    |
| 276                                    |          | 296   |                                     | 327                                    |          | 346   |                                    |
| 277                                    |          | 297   |                                     | 328                                    |          | 347   |                                    |
| 278                                    |          | 298   |                                     | 329                                    |          | 348   |                                    |
| 279                                    |          | 299   |                                     | 330                                    |          | 349   |                                    |
| 280                                    |          | 300   |                                     |  | 1        |       | a                                  |
| 281                                    |          | 301   |                                     |  | 2        |       | b                                  |
| 282                                    |          | 302   |                                     |  | 3        |       | c                                  |
| 283                                    |          | 303   |                                     |  | 4        |       | d                                  |
| 284                                    |          | 304   |                                     | 331                                    |          | 350   |                                    |
| 285                                    |          | 305   |                                     | 332                                    |          | 351   |                                    |
| 286                                    |          | 306   |                                     | 333                                    |          | 352   |                                    |
| 287                                    |          | 307   |                                     | 334                                    |          | 353   |                                    |
| 288                                    |          | 308   |                                     | 335                                    |          | 354   |                                    |
| 289                                    |          | 309   |                                     | 336                                    |          | 355   |                                    |
| 290                                    |          | 310   |                                     | 337                                    |          |       | Repealed 1895, No.<br>7, s. 2.     |
| 291                                    |          | 311   |                                     |  |          |       |                                    |
| 292                                    |          |       | Repealed 1898, No.<br>12, s. 14.    | 338                                    |          | 357   |                                    |
| 293                                    |          | 312   |                                     | 339                                    |          | 358   |                                    |
| 294                                    |          | 313   |                                     | 340                                    |          |       | Repealed 1897, No<br>6, s. 1 (38). |
| 295                                    |          | 314   |                                     |  |          |       |                                    |
| 296                                    |          | 315   |                                     | 341                                    |          | 359   |                                    |
| 297                                    |          | 316   |                                     | 342                                    |          | 361   |                                    |
| 298                                    |          | 317   |                                     | 343                                    |          | 362   |                                    |
| 299                                    |          | 318   |                                     | 344                                    |          | 363   |                                    |
| 300                                    |          | 319   |                                     | 345                                    |          | 364   |                                    |
| 301                                    |          | 320   |                                     |  | 1        |       | 2                                  |
| 302                                    |          | 321   |                                     | 346                                    |          | 365   |                                    |
| 303                                    |          | 322   |                                     | 347                                    |          | 366   |                                    |
| 304                                    |          | 323   |                                     | 348                                    |          | 367   |                                    |
| 305                                    |          | 324   |                                     | 349                                    |          | 368   |                                    |
| 306                                    |          | 325   |                                     | 350                                    |          |       | Repealed 1897, No<br>6, s. 1 (39). |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1893.— <i>Continued.</i> |          |       |                    | ORDINANCES OF 1893.— <i>Continued.</i> |          |       |       |
|--|----------|-------|--------------------|--|----------|-------|-------|
| Ordinance.                             | Section. | CONS. |                    | Ordinance.                             | Section. | CONS. |       |
|  |          | Cap.  | Sec.               |  |          | Cap.  | Sec.  |
| 6 351                                  |          | 21    | RULE.              | 6 397                                  |          |       | RULE. |
| 352                                    |          |       | 369                |  |          |       |       |
| 353                                    |          |       | 370                |  |          |       |       |
| 354                                    |          |       | 371                | 398                                    | 21       | 422   |       |
| 355                                    |          |       | 372                | 399                                    |          | 423   |       |
| 356                                    |          |       | 373                | 400                                    |          | 424   |       |
| 357                                    |          |       | 374                | 401                                    |          | 426   |       |
| 358                                    |          |       | 375                | 402                                    |          | 427   |       |
|  |          |       | Repealed 1897, No. |  | 1        |       | 1     |
|  |          |       | 6, s. 1 (41).      |  | 2        |       | 2     |
| 359                                    |          |       | 376                |  | 3        |       | 3     |
| 360                                    |          |       | 377                |  | 4        |       | 4     |
| 361                                    |          |       | 378                | 403                                    |          | 428   |       |
| 362                                    |          |       | Repealed 1897, No. | 404                                    |          | 429   |       |
|  |          |       | 6, s. 1 (44).      | 405                                    |          | 430   |       |
| 363                                    |          |       | 379                |  | 1        |       | 1     |
| 364                                    |          |       | 380                |  | 2        |       | 2     |
|  | a        | 2     |                    | 406                                    |          | 431   |       |
| 365                                    |          |       | 381                |  | 1        |       | 1     |
| 366                                    |          |       | 382                |  | 2        |       | 2     |
| 367                                    |          |       | 383                | 407                                    |          | 432   |       |
| 368                                    |          |       | Repealed 1897, No. | 408                                    |          | 433   |       |
|  |          |       | 6, s. 1 (47).      | 409                                    |          | 434   |       |
| 369                                    |          |       | Repealed 1897, No. | 410                                    |          | 435   |       |
|  |          |       | 6, s. 1 (47).      | 411                                    |          | 436   |       |
| 370                                    |          |       | 389                | 412                                    |          | 437   |       |
| 371                                    |          |       | Repealed 1897, No. | 413                                    |          | 438   |       |
|  |          |       | 6, s. 1 (49).      | 414                                    |          | 439   |       |
| 372                                    |          |       | 391                | 415                                    |          | 440   |       |
| 373                                    |          |       | 392                | 416                                    |          | 441   |       |
| 374                                    |          |       | 393                | 417                                    |          | 442   |       |
| 375                                    |          |       | 394                | 418                                    |          |       |       |
|  | a        |       | Repealed 1897, No. | 419                                    |          | 444   |       |
|  |          |       | 6, s. 1 (47).      | 420                                    |          | 445   |       |
| 376                                    |          |       | 395                | 421                                    |          | 446   |       |
| 377                                    |          |       | 396                | 422                                    |          | 447   |       |
| 378                                    |          |       | 397                | 423                                    |          | 448   |       |
| 379                                    |          |       | 397                |  |          | SEC.  |       |
| 380                                    |          |       | 399                |  |          | 2     | 19    |
| 381                                    |          |       | 400                | 424                                    |          | 9     |       |
| 382                                    |          |       | 401                | 425                                    |          |       |       |
| 383                                    |          |       | 402                |  |          | RULE. |       |
| 384                                    |          |       | 403                | 426                                    |          | 551   |       |
| 385                                    |          |       | 404                | 427                                    |          | 552   |       |
| 386                                    |          |       | 489                | 428                                    |          | 553   |       |
| 387                                    |          |       | 405                | 429                                    |          | 554   |       |
| 388                                    |          |       | 406                | 430                                    |          | 555   |       |
| 389                                    |          |       | 412                | 431                                    |          | 556   |       |
| 390                                    |          |       | 413                | 432                                    |          | 557   |       |
| 391                                    |          |       | 414                | 433                                    |          | 558   |       |
| 392                                    |          |       | 415                | 434                                    |          | 559   |       |
| 393                                    |          |       | 416                | 435                                    |          | 560   |       |
| 394                                    |          |       | 417                | 436                                    |          | 561   |       |
|  | a        |       |                    | 437                                    |          | 562   |       |
|  | b        |       |                    | 438                                    |          | 563   |       |
|  | c        |       |                    | 439                                    |          | 564   |       |
| 395                                    |          |       | 418                | 440                                    |          | 565   |       |
| 396                                    |          |       | 419                | 441                                    |          | 566   |       |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1893.---Continued. |          |       |      | ORDINANCES OF 1893.---Continued.                          |            |          |       |      |                                  |
|----------------------------------|----------|-------|------|---|------------|----------|-------|------|----------------------------------|
| Ordinance.                       | Section. | CONS. |      | REMARKS.  | Ordinance. | Section. | CONS. |      | REMARKS.                         |
|                                  |          | Cap.  | Sec. |   |            |          | Cap.  | Sec. |                                  |
| 6 442                            | 21       | RULE. |      |   | 6 491      | 21       | RULE. |      |                                  |
| 443                              |          | 567   |      |   |            | 1        |       |      |                                  |
| 444                              |          | 568   |      |   |            | 2        |       |      |                                  |
| 445                              |          | 569   |      |   |            | 3        |       |      |                                  |
| 446                              |          | 570   |      | Repealed 1897, No. 6, s. 1 (72), 1898, No. 12, s. 30 (4). |            | 4        |       |      | Repealed 1897, No. 6, s. 1 (63). |
| 447                              |          | 572   |      |   |            | 5        |       |      |                                  |
| 448                              |          | 573   |      |   | 492        | 6        |       |      |                                  |
| 449                              |          | 574   |      |   | 493        | 7        | 481   |      |                                  |
| 450                              |          | 575   |      |   |            |          |       |      | Repealed 1897, No. 6, s. 1 (65). |
| 451                              |          | 576   |      |   | 494        |          | 483   |      |                                  |
| 452                              |          | 577   |      |   | 495        |          | 484   |      |                                  |
| 453                              |          | 578   |      |   | 496        |          | 485   |      |                                  |
| 454                              |          | 579   |      |   | 497        |          | 490   |      |                                  |
| 455                              |          | 580   |      |   | 498        |          | 491   |      |                                  |
| 456                              |          | 581   |      |   | 499        |          | 495   |      |                                  |
| 457                              |          | 582   |      |   |            |          | 496   |      |                                  |
| 458                              |          | 583   |      |   | 500        |          |       |      | Repealed 1898, No. 12, s. 23.    |
| 459                              |          | 584   |      |   | 501        |          | 499   |      |                                  |
| 460                              |          | 585   |      |   | 502        |          | 500   |      |                                  |
| 461                              |          | 586   |      |   | 503        |          | 501   |      |                                  |
| 462                              |          | 587   |      |   | 504        |          |       |      | Repealed 1895, No. 7, s. 7.      |
| 463                              |          |       |      | Repealed 1897, No. 6, s. 22, and 1898, No. 12, s. 30.     | 505        |          |       |      | Repealed 1897, No. 6, s. 1 (67). |
| 464                              |          | 588   |      |   | 506        |          |       |      | Repealed 1897, No. 6, s. 1 (68). |
| 465                              |          | 589   |      |   |            |          | 505   |      |                                  |
| 466 }                            |          | 590   |      |   | 507        |          | 506   |      |                                  |
| 467 }                            |          |       |      |   | 508        |          | 507   |      |                                  |
| 468                              |          | 591   |      |   | 509        |          | 508   |      |                                  |
| 469                              |          | 592   |      |   | 510        |          | 509   |      |                                  |
| 470                              |          | 458   |      |   | 511        |          | 510   |      |                                  |
| 471                              |          |       |      | Repealed 1897, No. 6, s. 1 (56).                          | 512        |          | 511   |      |                                  |
| 472                              |          | 460   |      |   | 513        |          | 512   |      |                                  |
| 473                              |          | 461   |      |   | 514        |          | 513   |      |                                  |
| 474                              |          | 462   |      |   | 515        |          | 514   |      |                                  |
| 475                              |          | 464   |      |   | 516        |          | 515   |      |                                  |
| 476                              |          | 465   |      |   | 517        |          | 517   |      |                                  |
| 477                              |          | 466   |      |   | 518        |          | 518   |      |                                  |
| 478                              |          | 467   |      |   | 519        |          | 519   |      |                                  |
| 479                              |          | 407   |      |   | 520        |          | 520   |      |                                  |
| 480                              |          | 408   |      |   | 521        |          | 521   |      |                                  |
| 481                              |          | 409   |      |   | 522        |          | 522   |      |                                  |
| 482                              |          | 410   |      |   | 523        |          | 519   |      |                                  |
| 483                              |          | 458   |      |   | 524        |          | 523   |      |                                  |
| 484                              |          |       |      | Repealed 1897, No. 6, s. 1 (70).                          | 525        |          | 524   |      |                                  |
| 485                              |          |       |      | Repealed 1897, No. 6, s. 1 (62).                          | 526        |          | 525   |      |                                  |
| 486                              |          | 475   |      |   | 527        |          | 526   |      |                                  |
| 487                              |          | 476   |      |   | 528        |          | 527   |      |                                  |
| 488                              |          | 477   |      |   | 529        |          | 528   |      |                                  |
| 489                              |          | 478   |      |   | 530        |          | 529   |      |                                  |
| 490                              |          | 479   |      |   | 531        |          | 530   |      |                                  |
|                                  |          |       |      |   | 532        |          | 531   |      |                                  |
|                                  |          |       |      |   | 533        |          | 532   |      |                                  |
|                                  |          |       |      |   | 534        |          | 533   |      |                                  |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1893.—Continued.                     |          |       |                    |                                     | ORDINANCES OF 1893.—Continued. |   |       |                |                                 |  |
|--|----------|-------|--------------------|-------------------------------------|--------------------------------|---|-------|----------------|---------------------------------|--|
| Ordinance.   | Section. | CONS. |                    | REMARKS.                            | Ordinance.                     | Section.  | CONS. |                | REMARKS.                        |  |
|  |          | Cap.  | Sec.               |                                     |                                |   | Cap.  | Sec.           |                                 |  |
| 6 535  |          | 21    | RULE.<br>534       | Repealed 1894, No.<br>5, s. 21.     | 6                              | Bond<br>for re-<br>plevin.                                  | 21    | Form F         |                                 |  |
| 536  |          |       |                    |                                     |                                | Writ of<br>execu-<br>tion.                                  |       | Form B         |                                 |  |
| 537  |          |       | 535                |                                     |                                | Garni-<br>shee<br>sum-<br>mons.                             |       | Form C         |                                 |  |
| 538  |          |       | 536                |                                     |                                | Wit-<br>ness,<br>jurors<br>and<br>interp-<br>eters<br>fees. |       | Tariff         |                                 |  |
| 539  |          |       | 449                |                                     |                                |   |       |                |                                 |  |
| 540  |          |       | 538                |                                     |                                |   |       |                |                                 |  |
| 541  |          |       | 539                |                                     |                                |   |       |                |                                 |  |
| 542  |          |       | 540                |                                     |                                |   |       |                |                                 |  |
| 543  |          |       | 541                |                                     |                                |   |       |                |                                 |  |
| 544  |          |       | 542                |                                     |                                |   |       |                |                                 |  |
| 545  |          | 24    | SEC.<br>1          |                                     | 7                              | 1   | 45    | 1              | Unnecessary.                    |  |
|  | 1        |       | 2                  |                                     |                                | 2   |       | 1              |                                 |  |
| 546  |          |       | 3                  |                                     |                                | 3   |       | Forms<br>A, D. |                                 |  |
|  | a        |       |                    |                                     |                                | 4   |       |                |                                 |  |
| 547  |          | 22    | 7                  |                                     |                                |   |       |                |                                 |  |
| 548  |          | 21    | 10                 |                                     | 8                              | 1   | 85    | 1              | Repealed 1895, No.<br>15, s. 1. |  |
| 549  |          |       | 10                 |                                     |                                | 2   |       | 3              |                                 |  |
|  |          |       | 13                 |                                     |                                | 3   |       | 1              | Repealed 1895, No.<br>15, s. 2. |  |
| 550  |          |       | RULE.<br>543       |                                     |                                | 4   |       | 3              |                                 |  |
| 551  |          |       | 544                |                                     |                                | 5   |       | 4              |                                 |  |
| 552  |          |       | 545                |                                     |                                | 6   |       | 7              | Repealed 1897, No.<br>26, s. 4. |  |
| 553  |          |       | 546                |                                     |                                |   |       | 1              |                                 |  |
| 554  |          |       | 547                |                                     |                                |   |       | 8              |                                 |  |
| 555  |          |       | 548                |                                     |                                |   |       | 9              |                                 |  |
| 556  |          |       |                    | Repealed 1897, No.<br>6, s. 1, (9). |                                |   |       | 11             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 12             |                                 |  |
| 557  |          | 22    | SEC.<br>16         |                                     |                                |   |       | 13             |                                 |  |
| 558  |          | 21    | RULE.<br>549       |                                     |                                |   |       | 14             |                                 |  |
| 559  |          |       | 550                |                                     |                                |   |       | 15             |                                 |  |
| Form A   |          |       |                    | Repealed 1894, No.<br>5, s. 1.      |                                |   |       | 16             |                                 |  |
| Form B   |          |       |                    | Repealed 1894, No.<br>5, s. 1.      |                                |   |       | 17             |                                 |  |
| Clerk's<br>and<br>Sheriff's<br>oaths of<br>office. |          | 22    | } Sched.<br>Sched. |                                     |                                |   |       | 18             |                                 |  |
|  |          | 23    |                    |                                     |                                |   |       |                | 1                               |  |
| Writ<br>of sum-<br>mons.                           |          | 21    | Form A             |                                     |                                |   |       | 2              |                                 |  |
| Writ of<br>attach-<br>ment.                        |          |       | Form D             |                                     |                                |   |       | 3              |                                 |  |
| Writ of<br>reple-<br>vin.                          |          |       | Form E             |                                     |                                |   |       | 4              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 5              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 6              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 7              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 8              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 9              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 10             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 11             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 12             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 13             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 14             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 15             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 16             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 17             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 18             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 1              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 2              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 3              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 4              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 5              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 6              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 7              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 8              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 9              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 10             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 11             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 12             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 13             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 14             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 15             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 16             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 17             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 18             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 1              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 2              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 3              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 4              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 5              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 6              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 7              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 8              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 9              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 10             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 11             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 12             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 13             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 14             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 15             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 16             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 17             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 18             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 1              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 2              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 3              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 4              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 5              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 6              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 7              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 8              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 9              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 10             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 11             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 12             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 13             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 14             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 15             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 16             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 17             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 18             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 1              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 2              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 3              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 4              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 5              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 6              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 7              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 8              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 9              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 10             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 11             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 12             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 13             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 14             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 15             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 16             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 17             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 18             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 1              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 2              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 3              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 4              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 5              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 6              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 7              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 8              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 9              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 10             |                                 |  |
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|  |          |       |                    |                                     |                                |   |       | 12             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 13             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 14             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 15             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 16             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 17             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 18             |                                 |  |
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|  |          |       |                    |                                     |                                |   |       | 2              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 3              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 4              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 5              |                                 |  |
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|  |          |       |                    |                                     |                                |   |       | 12             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 13             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 14             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 15             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 16             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 17             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 18             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 1              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 2              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 3              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 4              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 5              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 6              |                                 |  |
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|  |          |       |                    |                                     |                                |   |       | 8              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 9              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 10             |                                 |  |
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|  |          |       |                    |                                     |                                |   |       | 14             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 15             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 16             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 17             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 18             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 1              |                                 |  |
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|  |          |       |                    |                                     |                                |   |       | 4              |                                 |  |
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|  |          |       |                    |                                     |                                |   |       | 7              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 8              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 9              |                                 |  |
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|  |          |       |                    |                                     |                                |   |       | 13             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 14             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 15             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 16             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 17             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 18             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 1              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 2              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 3              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 4              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 5              |                                 |  |
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|  |          |       |                    |                                     |                                |   |       | 8              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 9              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 10             |                                 |  |
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|  |          |       |                    |                                     |                                |   |       | 12             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 13             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 14             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 15             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 16             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 17             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 18             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 1              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 2              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 3              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 4              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 5              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 6              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 7              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 8              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 9              |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 10             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 11             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 12             |                                 |  |
|  |          |       |                    |                                     |                                |   |       | 13             |                                 |  |
|  |          |       |                    |                                     |                                |   |       |                |                                 |  |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1893.— <i>Continued.</i> |          |       |      |                               | ORDINANCES OF 1893.— <i>Continued.</i> |          |       |      |                                |
|--|----------|-------|------|-------------------------------|--|----------|-------|------|--------------------------------|
| Ordinance.                             | Section. | CONS. |      | REMARKS.                      | Ordinance.                             | Section. | CONS. |      | REMARKS.                       |
|  |          | Cap.  | Sec. |                               |  |          | Cap.  | Sec. |                                |
| 8                                      | 18       | 85    | 21   | Repeals 1892, No. 19.         | 25                                     | 3        | e 26  | 3    | Repealed 1898, No. 13, s. 4.   |
| 19                                     |          |       | 22   |                               |  | 4        |       | 6    |                                |
| 20                                     |          |       |      |                               |  | 5        |       |      |                                |
| 9                                      |          |       |      | Repealed 1897, No. 25, s. 6.  | 6                                      |          |       | 7    | 2                              |
| 10                                     |          |       |      | Repealed 1896, No. 14.        | 7                                      | 2        |       | 8    |                                |
|  |          |       |      |                               | 8                                      |          |       | 9    |                                |
| 11                                     | 1        | 69    | 9    | Form B.                       | 9                                      |          |       | 10   | 2                              |
|  | 2        |       | 10   |                               | 10                                     |          |       | 11   |                                |
|  | 3        |       |      |                               |  | 2        |       |      |                                |
| 12                                     |          |       |      | Repealed 1895, No. 20, s. 34. | 11                                     |          |       | 12   | Repealed 1898, No. 13, s. 5.   |
| 13                                     |          |       |      | Repealed, 1895, No. 8, s. 33. | 12                                     |          |       |      |                                |
|  |          |       |      |                               |  |          |       |      |                                |
| 14                                     | 1        | 1     | 8    | Repealed 1898, No. 2, s. 5.   | 13                                     |          |       | 14   | Unrepealed.                    |
|  | 2        |       | 22   |                               | 14                                     |          |       | 15   |                                |
|  |          |       |      |                               | 15                                     |          |       | 16   |                                |
| 15                                     | 1        | 91    | 2    | Repealed 1895, No. 9, s. 35.  | 16                                     |          |       | 17   | Repealed 1897, No. 24, s. 13.  |
| 16                                     | 1        | 27    | 1    |                               | 17                                     |          |       | 18   |                                |
|  |          |       |      |                               | 18                                     |          |       |      |                                |
| 17                                     |          |       |      | Repealed 1895, No. 26, s. 1.  | 19                                     |          |       |      | Repealed 1897, No. 7, s. 126.  |
| 18                                     |          |       |      | Repealed 1894, No. 4, s. 3.   | 20                                     |          |       |      |                                |
| 19                                     |          |       |      | Disallowed 25 Aug., 1894.     | 21                                     |          |       |      |                                |
| 20                                     |          |       |      | Repealed 1897, No. 41, s. 15. | 22                                     |          |       |      | Unrepealed.                    |
| 21                                     |          |       |      | Repealed 1894, No. 19, s. 15. | 23                                     |          |       |      |                                |
|  |          |       |      |                               | 24                                     |          |       |      |                                |
| 22                                     | 1        | 28    | 2    | Repealed 1896, No. 2, s. 229. | 25                                     |          |       |      | Repealed 1897, No. 11, s. 133. |
| 23                                     |          |       |      |                               |  |          |       |      |                                |
|  |          |       |      |                               |  |          |       |      |                                |
| 24                                     |          |       |      | Repealed 1897, No. 19, s. 34. | 26                                     |          |       |      | Repealed 1897, No. 8, s. 294.  |
| 25                                     | 1        | 26    | 1    |                               |  |          |       |      |                                |
|  | 2        |       | 2    |                               |  |          |       |      |                                |
|  | 3        |       | 3    |                               |  |          |       |      |                                |
|  | a        |       | a    |                               |  |          |       |      | Repealed 1895, No. 11, s. 23.  |
|  | b        |       | b    |                               |  |          |       |      |                                |
|  | c        |       | c    |                               |  |          |       |      |                                |
|  | d        |       | d    |                               |  |          |       |      |                                |

## ORDINANCES OF 1894.



## SCHEDULE I.—Continued.

| ORDINANCES OF 1894.—Continued. |          |       |      |  | ORDINANCES OF 1894.—Continued. |          |       |              |                               |
|--------------------------------|----------|-------|------|--|--------------------------------|----------|-------|--------------|-------------------------------|
| Ordinance.                     | Section. | CONS. |      | REMARKS.                                       | Ordinance.                     | Section. | CONS. |              | REMARKS.                      |
|                                |          | Cap.  | Sec. |  |                                |          | Cap.  | Sec.         |                               |
| 5                              | 1        |       |      | Repeals 1893, No. 6, s. 18.                    | 5                              | 44       | 21    | RULE.<br>615 |                               |
|                                | 2        | 21    | 80   |  |                                | 1        |       | 2            |                               |
|                                | 3        |       | 82   |  |                                | 45       |       | 616          |                               |
|                                | 4        |       | 89   |  |                                | 46       |       | 617          |                               |
|                                | 5        | 1}    | 103  | 2  |                                | 47       |       | 618          |                               |
|                                | 6        |       | 262  |  |                                | 48       |       | 619          |                               |
|                                | 7        |       | 206  |  |                                | 49       |       | 620          |                               |
|                                | 8        |       | 222  |  |                                | 50       |       | 621          |                               |
|                                | 9        |       | 223  |  |                                | 51       |       | 622          |                               |
|                                | 10       |       | 329  |  |                                | 52       |       |              | Unrepealed.                   |
|                                | 11       |       | 338  |  |                                | Form A   | Form  | H            |                               |
|                                | 12       |       | 346  |  |                                | " B      | "     | J            |                               |
|                                | 13       |       |      | Repealed 1897, No. 6, s. 1, (42). Unnecessary. |                                | " C      | "     | K            |                               |
|                                | 14       |       |      |  |                                | " D      | "     | L            | Repealed 1895, No. 7, s. 12.  |
|                                | 15       |       | 395  |  |                                | " E      |       |              |                               |
|                                | 16       |       |      | Unnecessary.                                   |                                | Clerks   |       |              |                               |
|                                | 17       |       | 430  |  |                                | Wit-     |       |              |                               |
|                                | 18       |       |      | Unnecessary.                                   |                                | ness'    |       |              |                               |
|                                | 19       |       | 524  |  |                                | Inter-   |       |              |                               |
|                                | 20       |       | 532  |  |                                | prtrs'   |       | Small        |                               |
|                                | 21       |       |      | Repeals 1893, No. 6, s. 536.                   |                                | She-     |       | debt         |                               |
|                                | 22       |       | 542  |  |                                | riffs'   |       | Tariff       |                               |
|                                | 23       |       | 550  |  |                                | fees.    |       |              |                               |
|                                | 24       |       | 388  | 1  | 6                              |          |       |              | Repealed 1898, No. 30, s. 85. |
|                                | 25       |       |      | 2  | 7                              |          |       |              | Repealed 1895, No. 10, s. 14. |
|                                | 26       |       |      | 3  |                                |          |       |              |                               |
|                                | 27       |       | 602  |  | 8                              | 1        | 22    | 17           |                               |
|                                | 28       |       | 603  |  |                                |          |       |              |                               |
|                                | 29       |       | 604  |  |                                | a        |       | 1            |                               |
|                                | 30       |       | 605  |  |                                | b        |       | 2            |                               |
|                                | 31       |       | 606  |  |                                | c        |       |              |                               |
|                                | 32       |       | 607  |  |                                | d        |       | 18           |                               |
|                                | 33       |       | 608  |  |                                |          |       | 19           |                               |
|                                | 34       |       | 609  |  |                                | 2        |       | 20           |                               |
|                                | 35       |       | 610  |  |                                | 3        |       | 21           |                               |
|                                | 36       |       | 611  |  |                                | 4        |       | 22           |                               |
|                                |          | 1     |      | 2  |                                | 5        |       | 23           |                               |
|                                |          | 2     |      |  |                                | 6        |       |              | 2                             |
|                                |          |       |      | Repealed 1895, No. 7, s. 12.                   |                                | 7        |       |              | 3                             |
|                                | 37       |       |      | Repealed 1895, No. 7, s. 12.                   |                                | 8        |       |              | 4                             |
|                                |          |       |      | Repealed 1895, No. 7, s. 12.                   |                                | 9        |       |              | 5                             |
|                                | 38       |       |      | Repealed 1895, No. 7, s. 12.                   |                                | 10       |       |              | 6                             |
|                                |          |       |      |  |                                | 11       |       | 24           |                               |
|                                | 39       |       | 612  |  |                                | 12       |       | 25           |                               |
|                                | 40       |       |      | Repealed 1895, No. 7, s. 12.                   |                                | 13       |       | 26           |                               |
|                                |          |       |      | Repealed 1895, No. 7, s. 12.                   |                                | 14       |       | 27           |                               |
|                                | 41       |       |      | Repealed 1895, No. 7, s. 12.                   |                                | 15       |       | 28           |                               |
|                                | 42       |       |      | Repealed 1895, No. 7, s. 12.                   |                                | 16       |       |              | Expired.                      |
|                                |          |       |      | Repealed 1895, No. 7, s. 12.                   |                                | 17       |       |              | Expired.                      |
|                                | 43       |       | 614  |  | 9                              |          |       |              | Repealed 1896, No. 2, s. 229. |
|                                |          | 1     |      | Repealed 1895, No. 7, s. 12.                   | 10                             | 1        | 78    | 2            | 2e                            |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1894.— <i>Continued.</i> |             |       |                           |  | ORDINANCES OF 1894.— <i>Continued.</i> |                            |          |                            |                               |
|--|-------------|-------|---------------------------|--|--|----------------------------|----------|----------------------------|-------------------------------|
| Ordinance.                             | Section.    | CONS. |                           | REMARKS.   | Ordinance.                             | Section.                   | CONS.    |                            | REMARKS.                      |
|  |             | Cap.  | Sec.                      |  |  |                            | Cap.     | Sec.                       |                               |
| 11                                     |             |       |                           | Repealed 1897, No. 23, s. 32.  | 30                                     |                            |          |                            | Unrepealed.                   |
| 12                                     |             |       |                           | Repealed 1897, No. 9, s. 25, and 1897, No. 38, s. 57.                | 31                                     |                            |          |                            | Repealed 1896, No. 17, s. 11. |
| 13                                     |             |       |                           | Unrepealed.  | 32                                     |                            |          |                            | Repealed 1897, No. 24, s. 13. |
| 14                                     |             |       |                           | Repealed 1897, No. 7, s. 126.  | 33                                     |                            |          |                            | Repealed 1895, No. 22, s. 7.  |
| 15                                     |             |       |                           | Repealed 1895, No. 20, s. 34.  | 34                                     | 1<br>2                     | 52<br>29 | 67                         |                               |
| 16                                     |             |       |                           | Superseded 1897, No. 17, s. 34, and repealed 1898, No. 40, s. 10.    | 35                                     |                            |          |                            | Repealed 1895, No. 17, s. 42. |
| 17                                     | 1           | 30    | 1                         |  | 36                                     |                            |          |                            | Repealed 1895, No. 8, s. 33.  |
| 18                                     |             |       |                           | Repealed 1896, No. 17, s. 11.  | 37                                     |                            |          |                            | Repealed 1897, No. 35, s. 1.  |
| 19                                     |             |       |                           | Repealed 1897, No. 20, s. 13.  | 38                                     |                            |          |                            | Unrepealed.                   |
| 20                                     | 1<br>2      | 85    | 23<br>24                  |  | 39                                     |                            |          |                            | Unrepealed.                   |
| 21                                     |             |       |                           | Superseded 1897, No. 39, s. 11.                                      | 40                                     |                            |          |                            | Unrepealed.                   |
| 22                                     |             |       |                           | Unrepealed.  | 41                                     |                            |          |                            | Unrepealed.                   |
| 23                                     |             |       |                           | Repealed 1897, No. 19, s. 34.  | 42                                     | 1<br>2<br>3<br>4<br>5<br>6 | 93       | 1<br>2<br>3<br>4<br>5<br>6 |                               |
| 24                                     |             |       |                           | Superseded 1897, No. 8, s. 98 (74), and repealed 1898, No. 40, s. 9. | ORDINANCES OF 1895.                    |                            |          |                            |                               |
| 25                                     |             |       |                           | Rep. 1897, No. 38, s. 4.   | 2                                      | 1<br>2                     | 12       | 1<br>2                     |                               |
| 26                                     | 1<br>2      | 27    | 1<br>4                    |  | 3                                      |                            |          |                            | Repeals No. 12, 1892.         |
| 27                                     | 1<br>2<br>3 | 69    | 14<br>15<br>16<br>17<br>5 |  | 4                                      |                            |          |                            | Repeals No. 2, 1893.          |
| 28                                     |             |       |                           | Unrepealed.  | 5                                      |                            |          |                            | Repealed 1897, No. 38, s. 49. |
| 29                                     |             |       |                           | Superseded 1897, No. 38, s. 11.                                      | 6                                      |                            |          |                            | Repealed 1897, No. 22, s. 14. |
|  |             |       |                           |  | 7                                      | 1                          | 21       | 11                         | 2                             |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1895,---Continued. |          |       |       | ORDINANCES OF 1895,---Continued.  |            |          |             |                                       |  |
|----------------------------------|----------|-------|-------|-----------------------------------|------------|----------|-------------|---------------------------------------|--|
| Ordinance.                       | Section. | CONS. |       | REMARKS.                          | Ordinance. | Section. | CONS.       |                                       | REMARKS.   |
|                                  |          | Cap.  | Sec.  |                                   |            |          | Cap.        | Sec.                                  |  |
| 7                                | 2        | 21    | RULE. | 2                                 | 8          | 27       | 43          | 33                                    | Repealed 1896, No. 24, s. 3.<br><br>See cap. 22, ss. 17, 21. Unnecessary.<br>Repeals cap. 47, R. O.; No. 18, 1889; No. 13, 1893; No. 36, 1894. |
|                                  | 356      |       | 28    |                                   | 31         |          |             |                                       |  |
|                                  | 428      |       | 1     |                                   | 15         |          |             |                                       |  |
|                                  | 443      |       |       |                                   | 2          |          |             |                                       |  |
|                                  | 588      |       |       |                                   | 3          |          |             |                                       |  |
|                                  | 481      |       |       |                                   | 4          |          |             |                                       |  |
|                                  | 502      |       |       |                                   |            |          |             |                                       |  |
|                                  | 549      |       |       |                                   |            |          |             |                                       |  |
|                                  | Form E   |       |       |                                   | 4          |          |             |                                       |  |
|                                  | Form F   |       |       |                                   |            |          |             |                                       |  |
|                                  | 603      |       |       |                                   |            |          |             |                                       |  |
|                                  | 13       |       |       |                                   | 613        | Sched.   | Sched.      | Repealed 1898, No. 21, s. 64.         |  |
| 14                               | 597      |       |       |                                   |            |          |             |                                       |  |
| 8                                | 1        | 43    | SEC.  | 1                                 | 9          |          |             |                                       |  |
|                                  | 2        |       | 2     |                                   | 10         | 1        | 22          | 1                                     |  |
|                                  | a        |       | 2     |                                   | 2          | 3        | 2           |                                       |  |
|                                  | b        |       | 3     |                                   | a          | b        | c           | d                                     |  |
|                                  | c        |       | 4     |                                   |            |          |             |                                       |  |
|                                  | d        |       | 5     |                                   | 5          | 4        | 5           |                                       |  |
|                                  | e        |       | 6     |                                   | 6          | 23       | 27          |                                       |  |
|                                  | f        |       | 7     |                                   | 8          | 28       |             |                                       |  |
|                                  | g        |       | 8     |                                   |            | 22       | 6           |                                       |  |
|                                  | h        |       | 9     |                                   | 9          | 23       | 28          |                                       |  |
|                                  | i        |       | 10    |                                   |            |          |             |                                       |  |
|                                  | j        |       | 2     |                                   |            |          |             |                                       |  |
| 3                                |          | 3     |       |                                   |            |          |             |                                       |  |
| 4                                | 1        | 6     |       |                                   |            |          |             |                                       |  |
| 5                                |          | 8     |       |                                   |            |          |             |                                       |  |
| 6                                |          | 9     |       |                                   |            |          |             |                                       |  |
| 7                                |          | 10    |       |                                   | a          |          | Unrepealed. |                                       |  |
| 8                                |          | 11    |       |                                   | 10         | 23       | 29          |                                       |  |
| 9                                |          | 12    |       |                                   | 11         |          | 30          |                                       |  |
| 10                               |          | 13    |       |                                   | 11         | 22       | 11          |                                       |  |
| 11                               |          | 14    |       |                                   | 12         | 23       | 31          |                                       |  |
| 12                               |          | 17    |       |                                   | 12         | 22       | 12          |                                       |  |
| 13                               |          | 18    |       |                                   | 13         |          | 15          |                                       |  |
| 14                               |          | 19    |       |                                   |            |          |             |                                       |  |
| 15                               |          | 20    |       |                                   | 13         | 23       | 32          |                                       |  |
| 16                               |          |       |       | Repealed 1897, No. 38, s. 22 (4). | 14         |          |             |                                       |  |
| 17                               |          | 25    |       |                                   |            |          |             | Repeals No. 10, 1891-92; No. 7, 1894. |  |
| 18                               |          | 26    |       |                                   |            |          |             |                                       |  |
| 19                               |          | 27    |       |                                   | 11         | 2        | 1           |                                       |  |
| 20                               |          | 24    |       |                                   |            |          | 2           |                                       |  |
| 21                               |          | 22    |       |                                   |            |          | 3           |                                       |  |
| 22                               |          | 16    |       |                                   |            |          | 4           |                                       |  |
| 23                               |          | 23    |       |                                   |            |          | 5           |                                       |  |
| 24                               |          | 7     |       |                                   |            |          | 6           |                                       |  |
| 25                               |          | 32    |       |                                   |            |          | 7           |                                       |  |
| 26                               |          | 21    |       |                                   |            |          |             |                                       |  |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1895.— <i>Continued.</i> |          |               |      |  | ORDINANCES OF 1895.— <i>Continued.</i> |          |       |      |                                       |
|--|----------|---------------|------|--|--|----------|-------|------|---------------------------------------|
| Ordinance.                             | Section. | CONS.         |      | REMARKS.   | Ordinance.                             | Section. | CONS. |      | REMARKS.                              |
|  |          | Cap.          | Sec. |  |  |          | Cap.  | Sec. |                                       |
| 11                                     | 8        | 2             | 8    | Proviso repealed 1896 No. 16.                    | 21                                     |          |       |      | Superseded 1897, No. 34.              |
|  | 9        |               | 9    |  |  |          |       |      |                                       |
|  | 10       |               | 1    |  | 22                                     |          |       |      | Repealed 1896, No. 22, s. 1.          |
|  | 11       |               | 2    |  |  |          |       |      |                                       |
|  | 12       |               | 10   |  | 23                                     |          |       |      | Repealed 1897, No. 20, s. 13.         |
|  | 13       |               | 11   |  |  |          |       |      |                                       |
|  | 14       | 13 and 14     |      |  | 24                                     | 1        | 60    | 1    |                                       |
|  | 15       | 15            |      |  |  | 2        |       | 2    |                                       |
|  | 16       |               | 16   |  |  | 3        |       | 3    |                                       |
|  | 17       |               | 17   |  | 25                                     |          |       |      | Repealed 1897, No. 8, s. 294.         |
|  | 18       |               | 18   |  |  |          |       |      |                                       |
|  | 19       |               | 19   |  | 26                                     | 1        |       |      | Repeals cap. 36, R. O.; 1893, No. 17. |
|  | 20       |               | 20   |  |  | 2        | 50    | 1    | Unnecessary.                          |
|  | 21       |               | 21   |  |  | 3        |       | 2    |                                       |
|  | 22       |               | 22   |  |  | 4        |       | 3    |                                       |
|  | 23       |               |      |  |  | 5        |       | 4    |                                       |
|  | Sched A  |               |      |  |  | 6        |       | 5    |                                       |
|  | B        |               |      | Repeals No. 4, 1894. Repealed 1898, No. 3, s. 2. |  | 7        |       |      | Repealed 1897, No. 38, s. 40 (7).     |
|  | C        | Forms A and B |      | Repealed 1897, No. 38, s. 3 (13).                |  | 8        |       |      |                                       |
|  |          |               |      |  |  |          |       |      |                                       |
| 12                                     | 1        | 55            | 1    | Repealed 1897, No. 38, s. 28 (2).                | 27                                     | 1        | 71    | 1    | Repealed 1897, No. 7, s. 126.         |
|  | 2        |               | 2    |  |  | 2        |       | 2    |                                       |
|  |          | a             | a    |  |  | 3        |       | 3    |                                       |
|  | 3        |               | 3    |  |  | 4        |       |      | Unrepealed.                           |
|  | 4        |               | 4    |  |  | 5        |       | 4    |                                       |
|  | 5        |               |      | Obsolete.  |  |          |       |      |                                       |
| 13                                     |          |               |      | Repealed 1897, No. 16, s. 79.                    | 28                                     |          |       |      |                                       |
| 14                                     | 1        | 29            | 1    |  | 30                                     |          |       |      | Unrepealed.                           |
| 15                                     | 1        | 85            | 2    | Repealed 1897, No. 38, s. 19 (4).                | 31                                     |          |       |      | Unrepealed.                           |
|  | 2        |               | 3    |  | 32                                     |          |       |      | Unrepealed.                           |
|  | 3        |               | 5    |  | 33                                     |          |       |      | Unrepealed.                           |
| 16                                     | 1        | 36            | 1    |  | 34                                     |          |       |      | Unrepealed.                           |
|  | 2        |               | 2    |  | 35                                     |          |       |      | Unrepealed.                           |
|  | 3        |               |      | Repealed 1897, No. 9, s. 25.                     | 36                                     |          |       |      | Unrepealed.                           |
|  | 4        |               | 3    |  |  |          |       |      |                                       |
|  | 5        |               | 4    |  |  |          |       |      |                                       |
| 17                                     |          |               |      |  |  |          |       |      |                                       |
| 18                                     | 1        | 83            | 1    |  |  |          |       |      |                                       |
|  | 2        | a             | 2    |  |  |          |       |      |                                       |
|  |          |               | 3    |  |  |          |       |      |                                       |
| 19                                     | 1        | 69            | 5    |  |  |          |       |      |                                       |
| 20                                     |          |               |      | Repealed 1896, No. 26, s. 38.                    |  |          |       |      |                                       |

## ORDINANCES OF 1896.

SCHEDULE I.—Continued.

| ORDINANCES OF 1896.—Continued. |          |       |      |          | ORDINANCES OF 1896.—Continued. |          |       |      |                             |
|--------------------------------|----------|-------|------|----------|--------------------------------|----------|-------|------|-----------------------------|
| Ordinance.                     | Section. | CONS. |      | REMARKS. | Ordinance.                     | Section. | CONS. |      | REMARKS.                    |
|                                |          | Cap.  | Sec. |          |                                |          | Cap.  | Sec. |                             |
| 2                              | 2        | b 75  | 2    | b 1      | 2                              | 45       | 75    | 36   |                             |
|                                |          | 1     |      | 1        |                                | 46       |       | 37   |                             |
|                                |          | 2     |      | 2        |                                | 47       |       | 38   |                             |
|                                |          | c     |      | c        |                                | 48       |       | 39   |                             |
|                                |          | d     |      | d        |                                | 49       |       | 40   |                             |
|                                | 3        |       | 3    |          |                                |          | 1     |      | 2                           |
|                                | 4        |       | 4    |          |                                | 50       |       | 52   |                             |
|                                | 5        |       | 5    |          |                                | 51       |       | 53   |                             |
|                                | 6        |       | 6    |          |                                |          | 1     |      | 2                           |
|                                | 7        |       | 7    |          |                                | 52       | 1     |      |                             |
|                                | 8        |       | 8    |          |                                |          | 1     |      |                             |
|                                | 9        |       | 9    |          |                                | 53       | a     | 54   | Repealed 1897, No. 5, s. 9. |
|                                | 10       |       | 10   |          |                                |          |       |      |                             |
|                                | 11       | 1     |      | 2        |                                | 54       |       | 57   |                             |
|                                |          | 1     | 11   | 2        |                                | 55       |       | 58   |                             |
|                                | 12       |       | 12   |          |                                | 56       |       | 59   |                             |
|                                | 13       |       | 13   |          |                                |          | 1     |      | 2                           |
|                                | 14       |       | 14   |          |                                | 57       |       | 60   |                             |
|                                | 15       |       | 15   |          |                                | 58       |       | 61   |                             |
|                                | 16       |       | 16   |          |                                | 59       |       | 62   |                             |
|                                |          | 1     |      | 2        |                                | 60       |       | 63   |                             |
|                                | 17       |       | 17   |          |                                | 61       |       | 64   |                             |
|                                | 18       |       | 18   |          |                                | 62       |       | 65   | Proviso lapsed.             |
|                                |          | 1     |      | 2        |                                | 63       |       | 66   |                             |
|                                | 19       |       | 19   |          |                                | 64       |       | 67   |                             |
|                                | 20       |       | 20   |          |                                | 65       |       | 68   |                             |
|                                | 21       |       | 21   |          |                                | 66       |       | 69   |                             |
|                                | 22       |       | 22   |          |                                | 67       |       | 70   |                             |
|                                |          | a     |      | 2        |                                | 68       |       | 71   |                             |
|                                |          | b     |      | 3        |                                |          | 1     |      | 2                           |
|                                | 23       |       | 23   |          |                                | 69       |       | 72   |                             |
|                                | 24       |       | 24   |          |                                | 70       |       | 73   |                             |
|                                | 25       |       | 25   |          |                                | 71       |       | 74   |                             |
|                                | 26       |       | 26   |          |                                | 72       |       | 75   |                             |
|                                | 27       |       | 27   |          |                                |          | 1     |      | 2                           |
|                                | 28       |       | 28   |          |                                | 73       |       | 76   |                             |
|                                | 29       |       | 29   |          |                                | 74       |       | 77   |                             |
|                                | 30       |       | 30   |          |                                | 75       |       | 78   |                             |
|                                | 31       |       | 31   |          |                                |          | 1     |      | 2                           |
|                                | 32       |       | 32   |          |                                | 76       |       | 79   |                             |
|                                | 33       |       | 33   |          |                                | 77       |       | 80   |                             |
|                                |          | 1     |      | 2        |                                | 78       |       | 81   |                             |
|                                | 34       |       | 34   |          |                                |          | 1     |      | 2                           |
|                                | 35       |       | 43   |          |                                | 79       |       | 82   |                             |
|                                | 36       |       | 44   |          |                                | 80       |       | 83   |                             |
|                                | 37       |       | 45   |          |                                | 81       |       | 84   |                             |
|                                | 38       |       | 46   |          |                                | 82       |       | 85   |                             |
|                                | 39       |       | 47   |          |                                | 83       |       | 86   |                             |
|                                |          | 1     |      |          |                                | 84       |       | 87   |                             |
|                                |          | 2     |      |          |                                | 85       |       | 88   |                             |
|                                | 40       |       | 51   |          |                                |          | 1     |      | 2                           |
|                                | 41       |       | 50   |          |                                | 86       |       | 89   |                             |
|                                | 42       |       | 42   |          |                                | 87       |       | 90   |                             |
|                                | 43       |       |      |          |                                |          | 1     |      | 2                           |
|                                | 44       |       |      |          |                                |          | 2     |      | 3                           |
|                                |          | 1     |      |          |                                | 88       |       | 91   |                             |
|                                |          | 2     |      |          |                                |          | 1     |      | 2                           |
|                                |          |       |      |          |                                |          | 2     |      | 3                           |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1896.— <i>Continued.</i> |          |       |      |                               | ORDINANCES OF 1896.— <i>Continued.</i> |          |       |      |   |
|--|----------|-------|------|-------------------------------|--|----------|-------|------|---|
| Ordinance.                             | Section. | CONS. |      | REMARKS.                      | Ordinance.                             | Section. | CONS. |      | REMARKS.  |
|  |          | Cap.  | Sec. |                               |  |          | Cap.  | Sec. |   |
| 2 89                                   |          | 75    | 92   |                               | 2 128                                  | 2 75     | 131   | 3    |   |
| 90                                     |          |       | 93   |                               |  | 3        |       |      | Repealed 1898, No. 29, s. 18.                             |
| 91                                     |          |       | 94   |                               |  |          |       |      |   |
| 92                                     |          |       | 95   |                               | 129                                    |          | 142   |      |   |
| 93                                     |          |       |      | Repealed 1897, No. 5, s. 16.  | 130                                    |          |       |      | Repealed 1897, No. 5, s. 34, but see 1898, No. 29, s. 19. |
| 94                                     |          |       | 97   |                               |  |          |       |      |   |
| 95                                     |          |       | 98   |                               | 131                                    |          | 133   |      |   |
| 96                                     |          |       | 99   |                               | 132                                    |          | 134   |      |   |
| 97                                     |          |       | 100  |                               | 133                                    |          | 135   |      |   |
| 98                                     |          |       | 101  |                               | 134                                    |          | 136   |      |   |
| 99                                     |          |       | 102  |                               | 135                                    |          | 137   |      |   |
| 100                                    |          |       | 103  |                               | 136                                    |          | 138   |      |   |
| 101                                    | 1        |       |      | 2                             | 137                                    |          | 139   |      |   |
| 102                                    |          |       | 104  |                               | 138                                    |          | 140   |      |   |
|  |          |       | 105  |                               | 139                                    |          | 141   |      |   |
| 103                                    | 1        |       |      | 2                             | 140                                    |          | 143   |      |   |
|  |          |       |      | Repealed 1897, No. 5, s. 22.  | 141                                    |          | 144   |      |   |
| 104                                    |          |       | 107  |                               |  | a        |       | 2    |   |
|  | 1        |       |      | Repealed 1898, No. 29, s. 15. |  | b        |       | 3    |   |
|  |          |       |      |                               |  | c        |       | 4    |   |
|  | 2        |       | 3    |                               |  | d        |       | 5    |   |
| 105                                    |          |       | 108  |                               |  | e        |       | 6    |   |
| 106                                    |          |       | 109  |                               | 142                                    |          | 146   |      |   |
| 107                                    |          |       | 110  |                               | 143                                    |          | 145   |      |   |
|  | 1        |       |      | 2                             | 144                                    |          | 147   |      |   |
| 108                                    |          |       | 111  |                               | 145                                    |          | 149   |      |   |
| 109                                    |          |       | 112  |                               |  | 1        |       | 1    |   |
| 110                                    |          |       | 113  |                               |  | 2        |       | 2    |   |
|  | a        |       |      | 2                             |  | 3        |       | 3    |   |
|  | b        |       | 3    |                               |  | 4        |       | 4    |   |
| 111                                    |          |       | 114  |                               |  | 5        |       | 5    |   |
| 112                                    |          |       | 115  |                               |  | 6        |       | 6    |   |
| 113                                    |          |       | 116  |                               |  | 7        |       | 7    |   |
| 114                                    |          |       | 117  |                               |  | 8        |       | 8    |   |
|  | 1        |       |      | 2                             |  | 9        |       | 9    |   |
|  | 2        |       |      | 3                             |  | 10       |       | 10   |   |
| 115                                    |          |       | 118  |                               |  | 11       |       | 11   |   |
| 116                                    |          |       | 119  |                               |  | 12       |       | 12   |   |
| 117                                    |          |       | 120  |                               | 146                                    |          | 150   |      |   |
| 118                                    |          |       | 121  |                               | 147                                    |          | 151   |      |   |
| 119                                    |          |       | 122  |                               | 148                                    |          | 152   |      |   |
| 120                                    |          |       | 123  |                               |  | 1        |       | 2    |   |
| 121                                    |          |       | 124  |                               | 149                                    |          | 153   |      |   |
| 122                                    |          |       | 125  |                               | 150                                    |          | 154   |      |   |
| 123                                    |          |       | 126  |                               | 151                                    |          |       |      | Repealed 1897, No. 5, s. 37.                              |
| 124                                    |          |       | 127  |                               | 152                                    |          | 155   |      |   |
| 125                                    |          |       | 128  |                               | 153                                    |          | 156   |      |   |
|  | 1        |       |      | 2                             | 154                                    |          | 157   |      |   |
|  | 2        |       |      | 3                             | 155                                    |          | 158   |      |   |
|  | 3        |       |      | Repealed 1898, No. 28, s. 16. |  | 1        |       | 2    |   |
|  |          |       |      |                               |  | 2        |       | 3    |   |
|  | 4        |       | 5    |                               | 156                                    |          | 159   |      |   |
| 126                                    |          |       | 129  |                               | 157                                    |          | 160   |      |   |
| 127                                    |          |       | 130  |                               | 158                                    |          | 161   |      |   |
| 128                                    |          |       | 131  |                               |  | 1        |       | 2    |   |
|  | 1        |       |      | 2                             | 159                                    |          | 162   |      |   |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1896.— <i>Continued.</i> |          |       |      |                               | ORDINANCES OF 1896.— <i>Continued.</i> |          |        |      |  |
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| Ordinance.                             | Section. | CONS. |      | REMARKS.                      | Ordinance.                             | Section. | CONS.  |      | REMARKS.   |
|  |          | Cap.  | Sec. |                               |  |          | Cap.   | Sec. |  |
| 2 160                                  |          | 75    | 163  |                               | 2 210                                  |          |        | 213  |  |
| 161                                    |          |       | 164  |                               | 211                                    |          |        |      | Repealed 1897, No. 5, s. 39.                     |
| 162                                    |          |       | 165  |                               | 212                                    |          | 75     | 216  |  |
| 163                                    |          |       | 166  |                               | 213                                    |          |        | 217  |  |
| 164                                    | 1        |       | 167  | 2                             | 214                                    |          |        | 218  |  |
| 165                                    |          |       | 188  |                               | 215                                    |          |        | 219  |  |
| 166                                    |          |       | 168  |                               | 216                                    |          |        | 220  |  |
| 167                                    |          |       | 169  |                               | 217                                    |          |        | 221  |  |
| 168                                    |          |       | 170  |                               | 218                                    |          |        | 222  |  |
| 169                                    |          |       | 171  |                               | 219                                    |          |        | 223  |  |
| 170                                    |          |       | 172  |                               | 220                                    |          |        | 224  |  |
| 171                                    |          |       | 173  |                               | 221                                    |          |        | 225  |  |
| 172                                    |          |       | 174  |                               | 222                                    |          |        | 226  |  |
| 173                                    |          |       | 175  |                               | 223                                    |          |        | 227  |  |
| 174                                    |          |       | 176  |                               | 224                                    |          |        | 228  |  |
| 175                                    |          |       | 177  |                               | 225                                    |          |        | 229  |  |
| 176                                    | 1        |       | 178  | Repealed 1898, No. 29, s. 27. | 226                                    |          |        | 230  |  |
| 177                                    |          |       | 179  |                               | 227                                    |          |        | 231  |  |
| 178                                    |          |       | 180  |                               | 228                                    |          |        | 232  |  |
| 179                                    |          |       | 181  |                               | 229                                    |          |        |      | Repeals No. 22, 1892; No. 23, 1893; No. 9, 1894. |
| 180                                    |          |       | 182  |                               | 230                                    |          |        |      | Expired.   |
| 181                                    |          |       | 183  |                               | Form A                                 |          | Form A |      |  |
| 182                                    |          |       | 184  |                               | " B                                    |          | " B    |      |  |
| 183                                    |          |       | 185  |                               | " C                                    |          | " C    |      |  |
| 184                                    |          |       | 186  |                               | " D                                    |          | " D    |      |  |
| 185                                    |          |       | 187  |                               | " E                                    |          | " E    |      |  |
| 186                                    |          |       | 189  |                               | " F                                    |          | " F    |      |  |
| 187                                    |          |       | 190  |                               | " G                                    |          | " G    |      |  |
| 188                                    |          |       | 191  |                               | " H                                    |          | " H    |      |  |
| 189                                    |          |       | 192  |                               | " I                                    |          | " I    |      |  |
| 190                                    |          |       | 193  |                               | " J                                    |          | " J    |      |  |
| 191                                    |          |       | 194  |                               | " K                                    |          | " K    |      |  |
| 192                                    |          |       | 195  |                               | " L                                    |          |        |      | Repealed 1898, No. 29, s. 35.                    |
| 193                                    |          |       | 196  |                               |  |          |        |      |  |
| 194                                    |          |       | 197  |                               | " M                                    |          | " M    |      |  |
| 195                                    |          |       | 198  |                               | " N                                    |          | " N    |      |  |
| 196                                    |          |       | 199  |                               | " O                                    |          | " O    |      |  |
| 197                                    |          |       | 200  |                               | 3                                      |          |        |      | Repealed 1897, No. 23, s. 32.                    |
| 198                                    |          |       | 201  |                               |  |          |        |      |  |
| 199                                    |          |       | 202  |                               | 4 1                                    |          |        |      | Repealed 1898, No. 22, s. 7.                     |
| 200                                    | 1        |       | 203  | 2                             | 5                                      |          |        |      | Repealed 1898, No. 21, s. 64.                    |
| 201                                    |          |       | 204  |                               |  |          |        |      |  |
| 202                                    |          |       | 205  |                               | 6 1                                    |          |        |      | Repealed 1897, No. 35, s. 3.                     |
| 203                                    |          |       |      | Repealed 1898, No. 29, s. 29. |  |          |        |      |  |
| 204                                    |          |       | 207  |                               | 2                                      |          |        |      | Repealed 1897, No. 35, s. 4.                     |
| 205                                    |          |       | 208  |                               |  |          |        |      |  |
|  | 1        |       |      | 2                             | 3                                      | 46       | 12     |      |  |
|  | 2        |       |      | 3                             | 4                                      |          | 14     |      |  |
|  | 3        |       |      | 4                             | 5                                      |          | 15     |      |  |
|  | 4        |       |      | 5                             | 6                                      |          |        |      | Expired,   |
| 206                                    |          |       | 209  |                               |  |          |        |      |  |
| 207                                    |          |       | 210  |                               |  |          |        |      |  |
| 208                                    |          |       | 211  |                               |  |          |        |      |  |
| 209                                    |          |       | 212  |                               |  |          |        |      |  |

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| ORDINANCES OF 1896.— <i>Continued.</i> |          |       |        |          | ORDINANCES OF 1896.— <i>Continued.</i> |          |       |         |                    |
|--|----------|-------|--------|----------|--|----------|-------|---------|--------------------|
| Ordinance.                             | Section. | CONS. |        | REMARKS. | Ordinance.                             | Section. | CONS. |         | REMARKS.           |
|  |          | Cap.  | Sec.   |          |  |          | Cap.  | Sec.    |                    |
| 7                                      | 1        | 34    | 4      |          | 10                                     | 15       | 39    | 17      |                    |
| 8                                      | 1        | 20    | Sched. |          |  |          | 2     |         | 2                  |
| 9                                      | 1        | 40    | 2      |          |  |          | a     |         | a                  |
|  | 2        |       | 3      |          |  |          | b     |         | b                  |
|  |          |       |        |          |  |          | c     |         | c                  |
|  |          | 2     |        | 2        | 16                                     |          |       | 18      |                    |
|  |          | 3     |        | 3        | 17                                     |          |       | 19      |                    |
|  |          | 4     |        | 4        |  | 2        |       |         | 2                  |
|  | 3        |       | 4      |          | 18                                     |          |       | 20      |                    |
|  | 4        |       | 5      |          | Rule                                   | I        |       | Rule    | I                  |
|  | 5        |       | 6      |          | "                                      | II       |       | "       | II                 |
|  | 6        |       | 7      |          | "                                      | III      |       | "       | III                |
|  | 7        |       | 8      |          | "                                      | IV       |       | "       | IV                 |
|  |          | 2     |        | 2        |  | a        |       | a       |                    |
|  |          |       |        |          |  | b        |       | b       |                    |
|  | 8        |       | 9      |          | "                                      | V        |       | "       | V                  |
|  | 9        |       | 10     |          |  | 2        |       |         | 2                  |
|  | 10       |       | 11     |          | 19                                     |          |       | 21      |                    |
|  | 11       |       | 12     |          |  | 2        |       |         | 2                  |
|  | 12       |       | 13     |          |  | 3        |       |         | 3                  |
|  |          | 2     |        | 2        | 20                                     |          |       | 22      |                    |
|  |          | 3     |        | 3        | 21                                     |          |       | 23      |                    |
|  | 13       |       | 14     |          |  | 2        |       | Proviso |                    |
|  | 14       |       |        | Expired. |  | a        |       | a       |                    |
|  | 15       |       | 1      |          |  | b        |       | b       |                    |
|  |          |       |        |          | 22                                     | 2        |       |         | Repealed 1897, No. |
| 10                                     | 1        | 2     | 39     | 3        |  |          |       |         | 38, s. 20.         |
|  |          | 3     |        | 3        | 23                                     |          |       | 24      |                    |
|  |          | 4     |        | 4        | 24                                     |          |       | 25      |                    |
|  | 2        |       |        | 4        |  | 2        |       |         | 2                  |
|  | 3        |       | 4      |          |  | 3        |       |         | 3                  |
|  | 4        |       | 5      |          | 25                                     |          |       | 26      |                    |
|  |          | 2     | 6      | 2        | 26                                     |          |       | 27      |                    |
|  |          | 3     |        | 3        | 27                                     |          |       | 28      |                    |
|  | 5        |       | 7      | 2        |  | 2        |       |         | 2                  |
|  |          | 3     |        | 3        |  | 3        |       |         | 3                  |
|  | 6        |       | 8      |          |  | 4        |       |         | 4                  |
|  | 7        |       | 9      |          |  | 5        |       |         | 5                  |
|  | 8        |       | 10     |          | 28                                     |          |       | 29      |                    |
|  |          | 2     |        | 2        |  | 2        |       |         | 2                  |
|  | 9        |       | 11     |          |  | 3        |       |         | 3                  |
|  |          | 2     |        | 2        |  | 4        |       |         | 4                  |
|  | 10       |       | 12     |          | 29                                     |          |       | 30      |                    |
|  |          | 2     |        | 2        |  | 2        |       |         | 2                  |
|  | 11       | 1, a  | 13     |          | 30                                     |          |       | 31      |                    |
|  |          | b     |        | a        |  | 2        |       |         | 2                  |
|  |          | c     |        | b        |  | 3        |       |         | 3                  |
|  |          | 2     |        | 2        | 31                                     |          |       | 32      |                    |
|  | 12       |       | 14     |          | 32                                     |          |       | 33      |                    |
|  |          | 1     |        | 1        |  | 2        |       |         | 2                  |
|  |          | 2     |        | 2        | 33                                     |          |       | 34      |                    |
|  |          | 3     |        | 3        | 34                                     |          |       | 35      |                    |
|  | 13       |       | 15     |          | 35                                     |          |       | 36      |                    |
|  | 14       |       | 16     |          | 36                                     |          |       | 37      |                    |
|  |          | 1     |        | 1        |  | a        |       | a       |                    |
|  |          | 2     |        | 2        |  | b        |       | b       |                    |
|  |          | 3     |        | 3        |  | 2        |       |         | 2                  |
|  |          | 4     |        | 4        | 37                                     |          |       | 38      |                    |



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| ORDINANCES OF 1896.—Continued. |          |       |          |          | ORDINANCES OF 1896.—Continued. |          |       |          |  |
|--------------------------------|----------|-------|----------|----------|--------------------------------|----------|-------|----------|--|
| Ordinance.                     | Section. | CONS. |          | REMARKS. | Ordinance.                     | Section. | CONS. |          | REMARKS.   |
|                                |          | Cap.  | Sec.     |          |                                |          | Cap.  | Sec.     |  |
| 10                             | 37       | 39    | 38       |          | 10                             | 57       | 39    | 58       |  |
|                                | <i>a</i> |       | <i>a</i> |          |                                | <i>a</i> |       | <i>a</i> |  |
|                                | <i>b</i> |       | <i>b</i> |          |                                | <i>b</i> |       | <i>b</i> |  |
|                                | <i>c</i> |       | <i>c</i> |          |                                | <i>c</i> |       | <i>c</i> |  |
|                                | 2        |       | 2        |          |                                | 2        |       | 2        |  |
|                                | 38       |       | 39       |          |                                | 3        |       | 3        |  |
|                                | <i>a</i> |       | <i>a</i> |          |                                | <i>a</i> |       | <i>a</i> |  |
|                                | <i>b</i> |       | <i>b</i> |          |                                | <i>b</i> |       | <i>b</i> |  |
|                                | <i>c</i> |       | <i>c</i> |          |                                | <i>c</i> |       | <i>c</i> |  |
|                                | 2        |       | 2        |          |                                | 4        |       | 4        |  |
|                                | 39       |       | 40       |          |                                | 59       |       | 1        | Expired.   |
|                                | 40       |       | 41       |          |                                | 60       |       |          |  |
|                                | <i>a</i> |       | <i>a</i> |          | 11                             | 1        | 55    | 4        |  |
|                                | <i>b</i> |       | <i>b</i> |          | 12                             |          |       |          | Repealed 1897, No. 24, s. 13.                    |
|                                | <i>c</i> |       | <i>c</i> |          | 13                             | 1        | 22    | 3        |  |
|                                | 2        |       | 2        |          |                                | 2        |       | 3        |  |
|                                | 41       |       | 42       |          |                                | 3        | 23    | 27       |  |
|                                | 42       |       | 43       |          |                                | 4        |       | 28       |  |
|                                | 2        |       | 2        |          | 14                             |          |       |          | Repeals No. 10, 1893.                            |
|                                | 3        |       | 3        |          | 15                             |          |       |          | Repealed 1897, No. 41, s. 15.                    |
|                                | 4        |       | 4        |          | 16                             | 1        | 2     | 15       |  |
|                                | 5        |       | 5        |          | 17                             | 1        | 84    | 2        |  |
|                                | 6        |       | 6        |          |                                | 2        |       |          | Rep. 1897, No. 25, s. 2.                         |
|                                | 7        |       | 7        |          |                                | 3        |       | 4        |  |
| 43                             | 2        | 44    | 2        |          |                                | 4        |       | 5        |  |
| 44                             |          | 45    |          |          |                                | 5        |       | 6        |  |
| 45                             | 2        | 46    |          |          |                                | 6        |       | 7        |  |
|                                | 3        |       | 2        |          |                                | 7        |       | 8        |  |
|                                | 4        |       | 3        |          |                                | 8        |       | 9        |  |
| 46                             | 2        | 47    | 2        |          |                                | 9        |       | 10       |  |
|                                | 3        |       | 3        |          |                                | 10       |       | 11       |  |
| 47                             | 2        | 48    | 2        |          |                                | 11       |       |          | Repeals No. 36, 1892; No. 9, 1893; No. 18, 1894. |
|                                | 3        |       | 3        |          |                                | 12       |       |          | Rep. 1897, No. 25, s. 7.                         |
| 48                             | 2        | 49    | 2        |          |                                |          |       |          |  |
|                                | 3        |       | 3        |          |                                |          |       |          |  |
| 49                             | 2        | 50    |          |          |                                |          |       |          |  |
| 50                             | 3        | 51    |          |          |                                |          |       |          |  |
|                                | <i>a</i> |       | <i>a</i> |          | 18                             | 1        | 92    | 1        |  |
|                                | <i>b</i> |       | <i>b</i> |          |                                | 2        |       | 2        |  |
|                                | 2        |       | 2        |          |                                | 3        |       | 3        |  |
|                                | 3        |       | 3        |          |                                | 4        |       | 4        |  |
|                                | 4        |       | 4        |          |                                | 5        |       | 5        |  |
| 51                             |          | 52    |          |          |                                | 6        |       |          | Expired.   |
| 52                             |          | 53    |          |          | 19                             | 1        | 85    | 7        |  |
| 53                             |          | 54    |          |          | 20                             |          |       |          | Repealed 1897, No. 7, s. 126.                    |
| 54                             |          | 55    |          |          |                                |          |       |          |  |
| 55                             |          | 56    |          |          | 21                             | 1        |       |          |  |
|                                | 1        |       | 1        |          |                                | 2        |       |          | Repealed 1897, No. 6, s. 1 (47).                 |
|                                | 2        |       | 2        |          |                                |          |       |          |  |
|                                | 3        |       | 3        |          |                                |          |       |          |  |
|                                | 4        |       | 4        |          |                                |          |       |          |  |
| 56                             |          | 57    |          |          |                                |          |       |          |  |
| 57                             |          | 58    |          |          |                                | 3        |       | 481      |  |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1896.— <i>Continued.</i> |          |      |               |  | ORDINANCES OF 1896.— <i>Continued.</i> |          |      |               |                               |
|--|----------|------|---------------|--|--|----------|------|---------------|-------------------------------|
| Ordinance.                             | Section. | Cap. | CONS.<br>Sec. | REMARKS.                                     | Ordinance.                             | Section. | Cap. | CONS.<br>Sec. | REMARKS.                      |
| 21                                     | 4        | 21   | Tariff        |  | 27                                     |          |      |               | Repealed 1897, No. 8, s. 294. |
|  | 5        |      | 233           |  | 28                                     |          |      |               | Repealed 1897, No. 9, s. 25.  |
|  | 6        |      | 449           |  | 29                                     |          |      |               | Repealed 1898, No. 30, s. 85. |
|  | 7        |      | 450           |  | 30                                     |          |      |               | Unrepealed.                   |
|  | 8        |      | 451           |  | 31                                     |          |      |               | Unrepealed.                   |
|  | 9        |      | 452           |  |  |          |      |               |                               |
|  | 10       |      | 453           |  |  |          |      |               |                               |
|  | 11       |      | 454           |  |  |          |      |               |                               |
|  | 12       |      | 455           |  |  |          |      |               |                               |
|  | 13       |      | 470           |  |  |          |      |               |                               |
|  | 14       |      | 473           |  |  |          |      |               |                               |
|  | 15       |      | 474           |  |  |          |      |               |                               |
|  | 16       |      | 486           |  |  |          |      |               |                               |
|  | 17       |      | 487           |  |  |          |      |               |                               |
|  | 18       |      | 488           |  |  |          |      |               |                               |
|  | 19       |      | 144           |  |  |          |      |               |                               |
|  | 20       |      | 602           |  |  |          |      |               |                               |
|  | 21       |      | 613           |  |  |          |      |               |                               |
|  |          | 2    | 597           |  |  |          |      |               |                               |
| 22                                     |          |      |               | Repealed 1897, No. 22, s. 14.                |  |          |      |               |                               |
| 23                                     | 1        | 68   | SEC. 3        |  | 3                                      | 1        | 75   | 4             |                               |
|  | 2        |      | 3, 4          |  | 4                                      |          |      |               | Repealed 1898, No. 21, s. 64. |
|  |          | a    | 3             | a  | 5                                      | 1        |      | 9             |                               |
|  |          | b    |               | b  |  |          |      | 10            |                               |
|  |          | c    |               | c  |  |          |      | 12            |                               |
|  |          | d    |               | d  |  |          |      | 75            |                               |
|  | 3        | 1    | 4             |  |  | 2        |      | 10            | 3                             |
|  |          |      |               | Repealed by implication, 1898, No. 25, s. 2. |  |          |      | 10            | 4                             |
|  | 4        |      | 14            |  |  | 3        |      | 16            |                               |
|  | 5        |      | 16            |  |  | 4        |      | 16            | 2                             |
|  | 6        |      | 21            |  |  | 5        |      |               | Repealed 1898, No. 29, s. 37. |
|  | 7        |      |               | Repeals s. 29, cap. 24, R.O.                 |  | 6        |      | 51            |                               |
|  | 8        |      | 22            |  |  | 7        |      | 41            |                               |
|  | 9        |      | 2             |  |  | 8        |      |               |                               |
| 24                                     | 1        | 43   | 6             |  |  | 9        |      | 55            | Repeals 1896, No. 2, s. 44.   |
|  | 2        |      | 21            |  |  | 10       |      | 56            |                               |
|  | 3        |      | 15            |  |  | 11       |      | 72            |                               |
|  | 4        |      | 15            |  |  | 12       |      | 75            |                               |
|  | 5        |      | 15            |  |  |          |      | 34            |                               |
|  | 6        |      | 4             |  |  |          |      | 68            |                               |
|  | 7        |      | 28            |  |  |          |      | 72            |                               |
|  | 8        |      | 22            |  |  |          |      | 84            |                               |
|  | 9        |      |               | Unrepealed.                                  |  |          |      | 86            |                               |
| 25                                     |          |      |               | Repealed 1897, No. 39, s. 11.                |  |          |      | 87            |                               |
| 26                                     |          |      |               | Repealed 1897, No. 10, s. 42.                |  |          |      | 90            |                               |
|  |          |      |               |  |  |          |      | 91            |                               |
|  |          |      |               |  |  |          |      | 92            |                               |
|  |          |      |               |  |  |          |      | 102           |                               |
|  |          |      |               |  |  |          |      | 116           |                               |
|  |          |      |               |  |  |          |      | 199           |                               |
|  |          |      |               |  |  |          |      | 204           |                               |
|  |          |      |               |  |  |          |      | 205           |                               |
|  |          |      |               |  |  |          |      | 211           |                               |
|  |          |      |               |  |  |          |      | 13            |                               |
|  |          |      |               |  |  |          |      | 72            |                               |
|  |          |      |               |  |  |          |      | 230           |                               |

## SCHEDULE 1.—Continued.

| ORDINANCES OF 1897.—Continued. |          |        |           |                                  | ORDINANCES OF 1897.—Continued. |          |       |       |   |
|--------------------------------|----------|--------|-----------|----------------------------------|--------------------------------|----------|-------|-------|---|
| Ordinance.                     | Section. | CONS.  |           | REMARKS.                         | Ordinance.                     | Section. | CONS. |       | REMARKS.                                  |
|                                |          | Cap.   | Sec.      |                                  |                                |          | Cap.  | Sec.  |   |
| 5                              | 13       | 75     |           |                                  | 6                              | 1        | 21    | RULE. |   |
|                                | 3        |        | { 52      |                                  |                                | 16       |       | 60    |   |
|                                |          |        | 53        |                                  |                                | 17       |       | 64    |   |
| 14                             |          |        | 91        | 2                                |                                | 18       |       | 71    |   |
| 15                             |          |        | 94        |                                  |                                |          |       | 73    |   |
| 16                             |          |        | 96        |                                  |                                | 19       |       | 74    |   |
| 17                             |          |        | 98        |                                  |                                |          |       | 75    |   |
| 18                             |          | 102    | 8         |                                  |                                |          |       | 76    |   |
| 19                             |          | 102    | 9         |                                  |                                | 20       |       | 78    |   |
| 20                             |          | 103    | 3         |                                  |                                | 21       |       | 87    |   |
| 21                             |          | 105    |           |                                  |                                | 22       |       | 99    |   |
| 22                             |          | 106    |           |                                  |                                | 23       |       | 104   |   |
| 23                             |          | 107    | 3         |                                  |                                | 24       |       | 109   |   |
| 24                             |          |        |           |                                  |                                | 25       |       | 127   |   |
| 25                             |          | 113    |           |                                  |                                | 26       |       |       | Repeals ss. 135 to 145 inc., No. 6, 1893. |
| 26                             |          | 116    |           |                                  |                                | (1)      |       | 130   |   |
| 27                             |          | 116    |           |                                  |                                | (2)      |       | 131   |   |
| 28                             |          | 116    |           |                                  |                                | (3)      |       | 132   |   |
| 29                             |          | 116    |           |                                  |                                | (4)      |       | 133   |   |
| 30                             |          | 116    |           |                                  |                                | (5)      |       | 134   |   |
| 31                             |          | 117    | 2, 3      |                                  |                                | (6)      |       | 135   |   |
| 32                             |          | 128    | 6         |                                  |                                | (7)      |       | 136   |   |
| 33                             |          |        |           | Repeals 1896, No. 2, s. 128 (3). |                                | (8)      |       | 137   |   |
| 34                             |          |        |           | Repealed 1898, No. 29, s. 19.    |                                | (9)      |       | 138   |   |
| 35                             |          | 142    |           |                                  |                                | (10)     |       | 139   |   |
| 36                             | d        |        |           |                                  |                                | (11)     |       | 140   |   |
| 37                             |          | 148    |           |                                  |                                | (12)     |       | 141   |   |
| 38                             |          |        |           | Repeals 1896, No. 2, s. 151.     |                                | (13)     |       | 142   |   |
| 39                             |          | 157    |           |                                  |                                | 27       |       | 169   | 2   |
| 40                             |          | 214    |           |                                  |                                | 28       |       | 204   |   |
| 41                             |          | 215    |           |                                  |                                | 29       |       | 237   |   |
| 42                             |          | Form O |           | Expired.                         | 30                             | (1)      |       | 245   |   |
|                                |          |        |           |                                  |                                | (2)      |       | 246   |   |
| 6                              | 1        | 21     |           |                                  |                                | (3)      |       | 247   |   |
|                                | 1        |        | 2         | 12                               |                                | (4)      |       | 248   |   |
|                                | 2        |        |           | 14                               |                                | (5)      |       | 249   |   |
|                                | 3        |        |           | 17                               |                                | 31       |       | 595   |   |
|                                | 4        |        | 4         | Rep. 1898, No. 12, s. 4.         |                                | 32       |       | 261   |   |
|                                | 5        |        |           | Repeals 1893, No. 6, s. 17 (3).  |                                | 33       |       |       | Repeals s. 272, No. 6, 1893.              |
|                                | 6        |        | { 11      | 4                                |                                | 34       |       | 327   |   |
|                                |          |        | 12        |                                  |                                | 35       |       | 343   |   |
|                                |          |        | RULE.     |                                  |                                | 36       |       | 352   |   |
|                                | 7        |        | 3         | 2                                |                                | 37       |       | 355   |   |
|                                | 8        |        | 3         | 3                                |                                | 38       |       | 360   |   |
|                                |          |        | 4         |                                  |                                | (2)      |       |       | 2   |
|                                | 9        |        | { Sec. 20 |                                  |                                | 39       |       |       | Repeals s. 350, No. 6, 1893.              |
|                                |          |        | 21        |                                  |                                |          |       | 374   |   |
|                                |          |        | RULE.     |                                  |                                | 40       |       |       |   |
|                                | 10       |        | 17        |                                  |                                | 41       |       |       | Repeals s. 358, No. 6, 1893.              |
|                                | 11       |        | 22        |                                  |                                | 42       |       | 376   |   |
|                                | 12       |        | 25        |                                  |                                | 43       |       | 378   |   |
|                                | 13       |        | 28        |                                  |                                | 44       |       |       | Repeals s. 362, No. 6, 1893.              |
|                                | 14       |        | 32        |                                  |                                | 45       |       | 380   | 3   |
|                                | 15       |        |           | Repeals 1893, No. 6, s. 56.      |                                |          |       |       |   |

## SCHEDULE I.—Continued.

| ORDINANCES OF 1897.—Continued. |          |       |          |  | ORDINANCES OF 1897.—Continued. |          |       |  |                               |
|--------------------------------|----------|-------|----------|--|--------------------------------|----------|-------|--|-------------------------------|
| Ordinance.                     | Section. | CONS. |          | REMARKS.   | Ordinance.                     | Section. | CONS. |  | REMARKS.                      |
|                                |          | Cap.  | Sec.     |  |                                |          | Cap.  | Sec.                                   |                               |
| 6                              | 1        | 21    |          |  | 6                              | 21       |       |  |                               |
|                                |          |       | RULE.    |  |                                |          |       | RULE.                                  |                               |
|                                | 46       |       | 381      |  |                                | 16       |       | 57                                     |                               |
|                                | 47       |       | 384      |  |                                | 17       |       | 58                                     |                               |
|                                | (1)      |       | 385      |  |                                | 18       |       | 59                                     |                               |
|                                | (2)      |       | 386      |  |                                | 19       |       | SEC.                                   |                               |
|                                | (3)      |       | 387      |  |                                | 20       |       | 14                                     |                               |
|                                | 48       |       | 389      |  |                                | 21       |       | 15                                     |                               |
|                                | 49       |       | 390      |  |                                |          |       | RULE.                                  |                               |
|                                | 50       |       | 392      |  |                                | 22       |       | 592                                    |                               |
|                                | 51       |       | 399      |  |                                |          |       | SEC.                                   |                               |
|                                | 52       |       | 411      |  |                                | 23       |       | 16                                     |                               |
|                                | 53       |       | 417      |  |                                |          |       | RULE.                                  |                               |
|                                | 54       |       | 422      |  |                                | 24       |       | 601                                    |                               |
|                                | 55       |       | 424      |  |                                | 25       |       | 598                                    |                               |
|                                | 56       |       | 459      |  |                                | 26       |       |  | Repealed 1898, No. 12, s. 42. |
|                                | 57       |       | 463      |  |                                |          |       | SEC.                                   |                               |
|                                | 58       |       | 468      |  |                                | 27       |       | 17                                     |                               |
|                                |          |       | 469      |  |                                |          |       | RULE.                                  |                               |
|                                |          |       | 472      |  |                                | 28       |       | 599                                    |                               |
|                                | 59       |       | Form VII |  |                                |          | 21    | 2                                      |                               |
|                                |          |       |          |  |                                |          | 3     | 3                                      |                               |
|                                |          |       | RULE.    |  |                                | 29       |       | 600                                    |                               |
|                                | 60       |       | 473      |  |                                |          |       | SEC.                                   |                               |
|                                | 61       |       | 471      |  |                                | 30       |       | 18                                     |                               |
|                                | 62       |       |          | Repeals s. 485, No. 6, 1893.                           |                                | 31       |       | 19                                     |                               |
|                                | 63       |       | 480      |  |                                | 32       |       |  | Expired.                      |
|                                | 64       |       | 469      |  |                                |          |       | Appendix; Garni-<br>shee Sum-<br>mons. |                               |
|                                | 65       |       | 482      |  |                                |          |       | Form VI                                |                               |
|                                | 66       |       | 497      |  |                                |          |       |  |                               |
|                                | 67       |       | 503      |  |                                |          |       |  |                               |
|                                | 68       |       | 504      |  |                                |          |       |  |                               |
|                                | 69       |       | 520      |  |                                |          |       |  |                               |
|                                | 70       |       | 537      |  |                                | 1        | 89    | 1                                      |                               |
|                                | 71       |       | 549      |  |                                | 2        |       | 2                                      |                               |
|                                | 72       |       | 571      |  |                                | 3        |       | 3                                      |                               |
|                                | 73       |       | 588      |  |                                |          | 1     | 1                                      |                               |
|                                | 74       |       | 593      |  |                                | 2        |       | 2                                      |                               |
|                                | 75       |       | 595      | Partially rep. 1898, No. 12, s. 11, Small debt tariff. |                                | 3        |       | 3                                      |                               |
|                                |          |       |          |  |                                | 4        |       | 4                                      |                               |
|                                | 76       |       |          |  |                                |          |       |  | Repealed 1898, No. 21, s. 64. |
|                                | 77       |       | 597      |  |                                | 4        |       |  |                               |
|                                |          |       | 398      |  |                                | 5        |       | 5                                      |                               |
|                                | 2        |       | 44       |  |                                |          | 2     | 2                                      |                               |
|                                | 3        |       | 45       |  |                                |          | 3     | 3                                      |                               |
|                                | 4        |       | 46       |  |                                | 6        |       | 6                                      |                               |
|                                | 5        |       | 47       |  |                                | 7        |       | 7                                      |                               |
|                                | 6        |       | 48       |  |                                | 8        |       | 35                                     |                               |
|                                | 7        |       | 49       |  |                                | 9        |       | 12                                     |                               |
|                                | 8        |       | 50       |  |                                |          |       |  |                               |
|                                | 9        |       | 51       |  |                                |          |       |  |                               |
|                                | 10       |       | 52       |  |                                |          |       |  |                               |
|                                | 11       |       | 53       |  |                                |          |       |  |                               |
|                                | 12       |       | 54       |  |                                | 10       |       | 25                                     |                               |
|                                | 13       |       | 55       |  |                                | 11       |       | 26                                     |                               |
|                                | 14       |       | 56       |  |                                | 12       |       | 27                                     | 2                             |
|                                | 15       |       | 57       |  |                                |          | 2     |  | 3                             |

SCHEDULE I. — *Continued.*

| ORDINANCES OF 1897.---Continued. |          |       |      |   | ORDINANCES OF 1897.---Continued. |          |       |      |          |
|----------------------------------|----------|-------|------|---|----------------------------------|----------|-------|------|----------|
| Ordinance.                       | Section. | CONS. |      | REMARKS.  | Ordinance.                       | Section. | CONS. |      | REMARKS. |
|                                  |          | Cap.  | Sec. |   |                                  |          | Cap.  | Sec. |          |
| 13                               | 2        | 89    | 28   |   | 7                                | 30       | 89    | 46   |          |
| 14                               |          |       | 29   |   |                                  |          | a     |      | a        |
| 15                               |          |       | 30   |   |                                  |          | b     |      | b        |
| 16                               | 2        |       |      |   |                                  | 3        |       | 23   |          |
| 17                               |          |       | 31   |   | 31                               | 4        |       | 46   | 3        |
|                                  |          |       | 32   |   |                                  |          |       | 43   |          |
|                                  | a        |       |      |   |                                  | 2        |       |      | 2        |
|                                  | b        |       |      |   |                                  | 3        |       |      | 3        |
| 18                               |          |       | 33   |   |                                  | 4        |       |      | 4        |
| 19                               |          |       | 34   |   |                                  | 5        |       |      | 5        |
| 20                               |          |       | 35   |   |                                  | 6        |       |      | 6        |
|                                  | 2        |       |      | 2 In part omitted as being inconsistent with s. 17. |                                  | 7        |       |      | 7        |
|                                  |          |       |      |   |                                  | 8        |       |      | 8        |
| 21                               |          | 36    |      |   | 32                               |          |       | 44   |          |
|                                  | a        |       |      |   | 33                               |          |       | 45   |          |
|                                  | b        |       |      |   | 34                               |          |       | 20   |          |
|                                  | c        |       |      |   | 35                               |          |       | 21   |          |
|                                  | 2        |       |      |   | 36                               |          |       | 22   |          |
|                                  | 3        |       |      |   | 37                               |          |       | 13   |          |
|                                  | 4        |       |      |   |                                  | 2        |       |      | 2        |
|                                  | 5        |       |      |   | 38                               |          |       | 11   |          |
|                                  | 6        |       |      |   | 39                               |          |       | 10   |          |
| 22                               |          | 37    |      |   | 40                               |          |       | 48   |          |
|                                  | 2        |       |      |   | 41                               |          |       | 49   |          |
|                                  | 3        |       |      |   | 42                               |          |       | 47   |          |
| 23                               |          |       |      |   | 43                               |          |       | 124  |          |
| 24                               |          | 38    |      |   |                                  | 2        |       |      | 2        |
|                                  | 2        |       |      |   |                                  | a        |       |      | a        |
|                                  | 3        |       |      |   |                                  | b        |       |      | b        |
|                                  | 4        |       |      |   |                                  | c        |       |      | c        |
| 25                               |          | 40    |      |   |                                  | 3        |       |      | 3        |
|                                  | 1        |       |      |   |                                  | 4        |       |      | 4        |
|                                  | 2        |       |      |   |                                  | 5        |       |      | 5        |
|                                  | 3        |       |      |   |                                  | 6        |       |      | 6        |
|                                  | 4        |       |      |   |                                  | 7        |       |      | 7        |
|                                  | 5        |       |      |   |                                  | 8        |       |      | 8        |
|                                  | 6        |       |      |   |                                  | 1        |       |      | 1        |
|                                  | 7        |       |      |   |                                  | 2        |       |      | 2        |
|                                  |          |       |      |   |                                  | 3        |       |      | 3        |
| 26                               |          | 41    |      |   |                                  | 4        |       |      | 4        |
|                                  | 1        |       |      |   |                                  | 5        |       |      | 5        |
|                                  | 2        |       |      |   |                                  | a        |       |      | a        |
|                                  | 3        |       |      |   |                                  | b        |       |      | b        |
|                                  | a        |       |      |   |                                  | c        |       |      | c        |
|                                  | b        |       |      |   |                                  | d        |       |      | d        |
|                                  | c        |       |      |   |                                  | e        |       |      | e        |
|                                  | d        |       |      |   |                                  | f        |       |      | f        |
| 27                               |          | 14    |      |   |                                  | 9        |       |      | 9        |
| 28                               |          | 42    |      |   |                                  | 10       |       |      | 10       |
| 29                               |          | 24    |      |   |                                  | 11       |       |      | 11       |
|                                  | 2        |       |      |   |                                  | 12       |       |      | 12       |
|                                  | 3        |       |      |   |                                  | 13       |       |      | 13       |
|                                  | 4        |       |      |   |                                  | 14       |       |      | 14       |
| 30                               |          | 46    |      |   |                                  | 15       |       |      | 15       |
|                                  | 1        |       |      |   | 44                               |          | 19    |      |          |
|                                  | 2        |       |      |   | 45                               |          | 50    |      |          |
|                                  | 2        |       |      |   |                                  | a        |       |      | a        |
|                                  | 2        |       |      |   |                                  | b        |       |      | b        |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1897.— <i>Continued.</i> |          |       |      |          | ORDINANCES OF 1897.— <i>Continued.</i> |          |       |        |          |
|--|----------|-------|------|----------|--|----------|-------|--------|----------|
| Ordinance.                             | Section. | CONS. |      | REMARKS. | Ordinance.                             | Section. | CONS. |        | REMARKS. |
|  |          | Cap.  | Sec. |          |  |          | Cap.  | Sec.   |          |
| 7                                      | 45       | 89    | 50   |          | 7                                      | 83       | 89    | 84     |          |
|  |          | 2     |      |          |  |          | 2     |        |          |
| 46                                     |          |       | 51   |          |  |          | 3     |        |          |
| 47                                     |          |       | 52   |          |  |          |       |        |          |
|  |          | 1     |      |          | 84                                     |          |       | 85     |          |
|  |          | 2     |      |          | 85                                     |          |       | 120    |          |
| 48                                     |          |       | 53   |          | 86                                     | 2        |       | 121    | 2        |
| 49                                     |          |       | 54   |          | 87                                     | 2        |       | 122    | 2        |
| 50                                     |          |       | 55   |          |  | 3        |       |        | 3        |
|  |          | 2     |      |          | 88                                     |          |       | 123    |          |
| 51                                     |          |       | 56   |          | 89                                     |          |       | 86     |          |
| 52                                     |          |       | 57   |          | 90                                     |          |       | 87     |          |
| 53                                     |          |       | 58   |          | 91                                     |          |       | 88     |          |
|  |          | 1     |      |          | 92                                     |          |       | 89     |          |
|  |          | 2     |      |          | 93                                     |          |       | 90     |          |
|  |          | 3     |      |          | 94                                     |          |       | 91     |          |
|  |          | 4     |      |          | 95                                     |          |       | 92     |          |
| 54                                     |          |       | 59   |          | 96                                     |          |       | 93     |          |
| 55                                     |          |       | 60   |          |  | 2        |       |        | 2        |
| 56                                     |          |       | 61   |          | 97                                     |          |       | 94     |          |
| 57                                     |          |       | 62   |          | 98                                     |          |       | 100    |          |
| 58                                     |          |       | 63   |          | 99                                     |          |       | 101    |          |
| 59                                     |          |       | 64   |          | 100                                    |          |       | 102    |          |
|  |          | 2     |      |          | 101                                    |          |       | 9, 96  |          |
|  |          | 3     |      |          | 102                                    |          |       | 103    |          |
|  |          | 4     |      |          | 103                                    |          |       | 104    |          |
|  |          | 5     |      |          | 104                                    |          |       | 105    |          |
| 60                                     |          |       | 65   |          | 105                                    |          |       | 106    |          |
| 61                                     |          |       | 66   |          | 106                                    |          |       | 107    |          |
| 62                                     |          |       | 67   |          | 107                                    |          |       | 108    |          |
| 63                                     |          |       | 68   |          | 108                                    |          |       | 109    |          |
| 64                                     |          |       | 69   |          | 109                                    |          |       | 110    |          |
| 65                                     |          |       | 70   |          | 110                                    |          |       | 111    |          |
| 66                                     |          |       | 71   |          | 111                                    |          |       | 112    |          |
| 67                                     |          |       | 72   |          | 112                                    |          |       | 113    |          |
| 68                                     |          |       | 73   |          | 113                                    |          |       | 114    |          |
| 69                                     |          |       | 74   |          | 114                                    |          |       | 115    |          |
| 70                                     |          |       | 75   |          | 115                                    |          |       | 95     |          |
| 71                                     |          |       | 76   |          | 116                                    |          |       | 116    |          |
| 72                                     |          |       | 77   |          | 117                                    |          |       | 117    |          |
| 73                                     |          |       | 78   |          | 118                                    |          |       | 118    |          |
| 74                                     |          |       | 79   |          | 119                                    |          |       | 119    |          |
| 75                                     |          |       | 80   |          | 120                                    |          |       | 16     |          |
|  |          | 1     |      |          | 121                                    |          |       | 17     |          |
|  |          | 2     |      |          | 122                                    |          |       | 18     |          |
|  |          | 3     |      |          |  | 2        |       |        | 2        |
|  |          | 4     |      |          | 123                                    |          |       | 125    |          |
|  |          | 5     |      |          | 124                                    |          |       | 126    |          |
| 76                                     |          |       | 15   |          | 125                                    |          |       | 99     |          |
|  |          |       |      |          | 126                                    |          |       |        |          |
| 77                                     |          |       | 97   |          |  |          |       |        |          |
|  |          | 2     |      |          |  |          |       |        |          |
| 78                                     |          |       | 98   |          |  |          |       |        |          |
|  |          | 2     |      |          |  |          |       |        |          |
| 79                                     |          |       | 81   |          |  |          |       |        |          |
|  |          | 2     |      |          |  |          |       |        |          |
| 80                                     |          |       | 8    |          | 127                                    |          |       |        |          |
| 81                                     |          |       | 82   |          | Sched. A                               |          |       | Form A |          |
| 82                                     |          |       | 83   |          | " B                                    |          |       | " B    |          |
|  |          |       |      |          | " C                                    |          |       | " C    |          |
|  |          |       |      |          | " D                                    |          |       | " D    |          |

Repeals No. 18, 1891-92; No. 28, 1892; No. 29, 1893; No. 14, 1894; No. 28, 1895; No. 20, 1896. Expired.

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1897.—Continued.. |          |       |          | ORDINANCES OF 1897. Continued.   |            |          |       |      |          |
|---------------------------------|----------|-------|----------|----------------------------------|------------|----------|-------|------|----------|
| Ordinance.                      | Section. | CONS. |          | REMARKS.                         | Ordinance. | Section. | CONS. |      | REMARKS. |
|                                 |          | Cap.  | Sec.     |                                  |            |          | Cap.  | Sec. |          |
| 7                               | Sched. E | 89    | Form E   |                                  | 8          | 17       | 70    | 21   |          |
| "                               | F        | "     | F        |                                  |            | 18       |       | 22   |          |
| "                               | G        | "     | G        |                                  |            |          | 1     |      | 1        |
| "                               | H        | "     | K        |                                  |            |          | 2     |      | 2        |
| "                               | I        | "     | L        |                                  |            | 19       |       | 23   |          |
| Sched. of forms                 |          |       | Sched. 2 |                                  |            | 20       |       | 24   |          |
| Sched. K                        |          |       | Form M   |                                  |            | 21       |       | 25   |          |
| "                               | L        | "     | N        |                                  |            | 22       |       | 26   |          |
| "                               | M        | "     | O        |                                  |            | 25       |       | 27   |          |
| "                               | N        | "     | P        |                                  |            | 24       |       | 28   |          |
| "                               | O        | "     | Q        |                                  |            |          | 2     |      | 2        |
| "                               | P        | "     | R        |                                  |            | 25       |       | 29   |          |
| "                               | Q        | "     | H        |                                  |            | 26       |       | 30   |          |
| "                               | R        | "     | J        |                                  |            | 27       |       | 31   |          |
| 8                               | 1        | 70    | 1        |                                  |            | 28       |       | 32   |          |
|                                 | 2        |       | 2        |                                  |            | 29       |       | 33   |          |
|                                 |          |       |          |                                  |            | 30       |       | 34   |          |
|                                 | 1        |       | 1        |                                  |            | 31       |       | 35   |          |
|                                 | 2        |       | 2        |                                  |            | 32       |       | 36   |          |
|                                 | 3        |       | 3        |                                  |            | 33       |       | 37   |          |
|                                 | 4        |       | 4        |                                  |            | 34       |       | 38   |          |
|                                 | 5        |       | 5        |                                  |            | 35       |       | 39   |          |
|                                 | 6        |       | 6        |                                  |            |          | 1     |      | 1        |
|                                 | 7        |       | 7        |                                  |            |          | 2     |      | 2        |
|                                 | 8        |       | 8        |                                  |            |          | 3     |      | 3        |
|                                 | 9        |       | 9        |                                  |            |          | a     |      | a        |
|                                 | 10       |       | 10       |                                  |            |          | 4     |      | 4        |
|                                 | 11       |       | 11       |                                  |            |          | 5     |      | 5        |
|                                 | 12       |       | 12       |                                  |            |          | 6     |      | 6        |
|                                 | a        |       | a        |                                  |            |          | 7     |      | 7        |
|                                 | b        |       | b        |                                  |            |          | 8     |      | 8        |
|                                 | 13       |       | 13       |                                  |            |          | 9     |      | 9        |
|                                 | 14       |       | 14       |                                  |            |          | 10    |      | 10       |
|                                 | 15       |       | 15       | Repealed 1898, No. 26, s. 1 (2). |            |          | 11    |      | 11       |
|                                 |          |       |          |                                  |            |          | a     |      | a        |
|                                 |          |       |          |                                  |            |          | b     |      | b        |
|                                 | 16       |       | 16       |                                  |            |          | 12    |      | 12       |
|                                 | 17       |       | 17       |                                  |            |          | 13    |      | 13       |
|                                 |          |       |          |                                  |            |          | 14    |      | 14       |
| 3                               |          |       | 3        |                                  |            | 36       | 40    |      |          |
| 4                               |          |       | 4        |                                  |            |          | 1     |      | 1        |
| 5                               |          |       | 5        |                                  |            |          | 2     |      | 2        |
| 6                               |          |       | 6        |                                  |            |          | 3     |      | 3        |
| 7                               |          |       | 7        |                                  |            |          | 4     |      | 4        |
| 8                               |          |       | 8        |                                  |            |          | 5     |      | 5        |
|                                 | 2        |       | 2        |                                  |            |          | 6     |      | 6        |
| 9                               |          |       | 9        |                                  |            |          | 7     |      | 7        |
| 10                              |          |       | a        |                                  |            |          | 8     |      | 8        |
| 11                              |          |       | b        |                                  |            |          |       |      |          |
| 12                              |          |       | 10       |                                  |            | 37       | 41    |      |          |
|                                 | 2        |       | 2        |                                  |            |          | 1     |      | 1        |
| 13                              |          |       | 18       |                                  |            |          | 2     |      | 2        |
|                                 | 2        |       | 2        |                                  |            |          | 2     |      | 2        |
| 14                              |          |       | 19       |                                  |            | 38       | 42    |      |          |
|                                 | a        |       |          | Repealed 1898, No. 26, s. 1 (6). |            | 39       | 43    |      |          |
|                                 |          |       |          |                                  |            | 40       | 44    |      |          |
|                                 |          |       |          |                                  |            | 41       | 45    |      |          |
| 15                              |          |       | 2        |                                  |            | 42       | 46    |      |          |
| 16                              |          |       | 20       |                                  |            |          |       |      |          |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1897. — <i>Continued.</i> |          |       |      | ORDINANCES OF 1897.— <i>Continued.</i> |            |          |       |      |          |
|---|----------|-------|------|--|------------|----------|-------|------|----------|
| Ordinance.                              | Section. | CONS. |      | REMARKS.                               | Ordinance. | Section. | CONS. |      | REMARKS. |
|   |          | Cap.  | Sec. |  |            |          | Cap.  | Sec. |          |
| 8                                       | 43       | 70    | 47   |  | 8          | 93       | 70    | 90   |          |
|   | 44       |       | 48   |  |            | 94       |       | 91   |          |
|   | 45       |       | 49   |  |            | 95       |       | 92   |          |
|   | 46       |       | 50   |  |            | 96       |       | 93   |          |
|   | 47       |       | 51   |  |            | 97       |       | 94   |          |
|   | 48       |       | 52   |  |            | 98       |       | 95   |          |
|   | 49       |       | 53   |  |            |          | 11    |      | 1        |
|   | 50       |       | 11   |  |            |          | 2     |      | 2        |
|   | 51       |       | 12   |  |            |          | 3     |      | 3        |
|   | 52       |       | 13   |  |            |          | 4     |      | 4        |
|   | 53       |       | 14   |  |            |          | 5     |      | 5        |
|   | 54       |       | 15   |  |            |          | 6     |      | 6        |
|   | 55       |       | 16   |  |            |          | 7     |      | 7        |
|   | 56       |       | 17   |  |            |          | 8     |      | 8        |
|   | 57       |       | 54   |  |            |          | 9     |      | 9        |
|   |          | 1     |      |  |            |          | 10    |      | 10       |
|   |          | 2     |      |  |            |          | 11    |      | 11       |
|   |          | 3     |      |  |            |          | 12    |      | 12       |
|   |          | 4     |      |  |            |          | 13    |      | 13       |
|   |          | 5     |      |  |            |          | 14    |      | 14       |
|   |          | 6     |      |  |            |          | 15    |      | 15       |
|   |          | 7     |      |  |            |          | 16    |      | 16       |
|   |          | 8     |      |  |            |          | 17    |      | 17       |
|   |          |       |      |  |            |          | 18    |      | 18       |
|   | 58       |       | 55   |  |            |          | 19    |      | 19       |
|   | 59       |       | 65   |  |            |          | 20    |      | 20       |
|   | 60       |       | 66   |  |            |          | 21    |      | 21       |
|   | 61       |       | 67   |  |            |          | 22    |      | 22       |
|   | 62       |       | 68   |  |            |          | 23    |      | 23       |
|   | 63       |       | 69   |  |            |          | 24    |      | 24       |
|   | 64       |       | 70   |  |            |          | 25    |      | 25       |
|   | 65       |       | 71   |  |            |          | 26    |      | 26       |
|   | 66       |       | 72   |  |            |          | 27    |      | 27       |
|   | 67       |       | 56   |  |            |          | 28    |      | 28       |
|   | 68       |       | 57   |  |            |          | 29    |      | 29       |
|   | 69       |       | 58   |  |            |          | 30    |      | 30       |
|   | 70       |       | 59   |  |            |          | 31    |      | 31       |
|   | 71       |       | 60   |  |            |          | 32    |      | 32       |
|   | 72       |       | 61   |  |            |          | 33    |      | 33       |
|   | 73       |       | 62   |  |            |          | 34    |      | 34       |
|   | 74       |       | 63   |  |            |          | a     |      | a        |
|   | 75       |       | 64   |  |            |          | b     |      | b        |
|   | 76       |       | 73   |  |            |          | 35    |      | 35       |
|   | 77       |       | 74   |  |            |          | 36    |      | 36       |
|   | 78       |       | 75   |  |            |          | 37    |      | 37       |
|   | 79       |       | 76   |  |            |          | 38    |      | 38       |
|   | 80       |       | 77   |  |            |          | 39    |      | 39       |
|   | 81       |       | 78   |  |            |          | 40    |      | 40       |
|   | 82       |       | 79   |  |            |          | 41    |      | 41       |
|   | 83       |       | 80   |  |            |          | 42    |      | 42       |
|   | 84       |       | 81   |  |            |          | 43    |      | 43       |
|   | 85       |       | 82   |  |            |          | 44    |      | 44       |
|   | 86       |       | 83   |  |            |          | 45    |      | 45       |
|   | 87       |       | 84   |  |            |          | 46    |      | 46       |
|   | 88       |       | 85   |  |            |          | 47    |      | 47       |
|   | 89       |       | 86   |  |            |          | 48    |      | 48       |
|   | 90       |       | 87   |  |            |          | 49    |      | 49       |
|   | 91       |       | 88   |  |            |          | 50    |      | 50       |
|   | 92       |       | 89   |  |            |          |       |      |          |



SCHEDULE I.—*Continued.*

| ORDINANCES OF 1897.— <i>Continued.</i> |          |       |      |          | ORDINANCES OF 1897.— <i>Continued.</i> |          |       |      |          |
|--|----------|-------|------|----------|--|----------|-------|------|----------|
| Ordinance.                             | Section. | CONS. |      | REMARKS. | Ordinance.                             | Section. | CONS. |      | REMARKS. |
|  |          | Cap.  | Sec. |          |  |          | Cap.  | Sec. |          |
| 98                                     |          | 70    | 95   |          | 8                                      | 129      | 70    | 157  |          |
|  | 51       |       | 51   |          |  | 130      |       | 158  |          |
|  | 52       |       | 52   |          |  | 131      |       | 159  |          |
|  | 53       |       | 53   |          |  | 132      |       | 160  |          |
|  | 54       |       | 54   |          |  | 133      |       | 161  |          |
|  | 55       |       | 55   |          |  | 134      |       | 162  |          |
|  | 56       |       | 56   |          |  | 135      |       | 163  |          |
|  | 57       |       | 57   |          |  | 136      |       | 164  |          |
|  | 58       |       | 58   |          |  |          | 2     |      | 2        |
|  | a        |       | a    |          |  | 137      |       | 112  |          |
|  | b        |       | b    |          |  | 138      |       | 113  |          |
|  | 59       |       | 59   |          |  | 139      |       | 114  |          |
|  | 60       |       | 60   |          |  | 140      |       | 115  |          |
|  | 61       |       | 61   |          |  | 141      |       | 116  |          |
|  | 62       |       | 62   |          |  | 142      |       | 117  |          |
|  | 63       |       | 63   |          |  | 143      |       | 118  |          |
|  | a        |       | a    |          |  |          | 2     |      | 2        |
|  | 64       |       | 64   |          |  | 144      |       | 119  |          |
|  | 65       |       | 65   |          |  | 145      |       | 120  |          |
|  | 66       |       | 66   |          |  | 146      |       | 121  |          |
|  | 67       |       | 67   |          |  |          | 1     |      | 1        |
|  | 68       |       | 68   |          |  |          | 2     |      | 2        |
|  | 69       |       | 69   |          |  |          | 3     |      | 3        |
|  | 70       |       | 70   |          |  |          | 4     |      | 4        |
|  | 71       |       | 71   |          |  |          | 5     |      | 5        |
|  | 72       |       | 72   |          |  |          | 6     |      | 6        |
|  | 73       |       | 73   |          |  |          | 7     |      | 7        |
|  | 74       |       | 74   |          |  |          | 8     |      | 8        |
| 99                                     |          | 212   |      |          |  |          | 9     |      | 9        |
| 100                                    |          | 96    |      |          |  |          | 10    |      | 10       |
| 101                                    |          | 97    |      |          |  |          | 11    |      | 11       |
| 102                                    |          | 98    |      |          |  |          | 12    |      | 12       |
| 103                                    |          | 99    |      |          |  |          | 13    |      | 13       |
| 104                                    |          | 100   |      |          |  |          | 14    |      | 14       |
| 105                                    |          | 101   |      |          |  |          | 15    |      | 15       |
| 106                                    |          | 102   |      |          |  |          | 16    |      | 16       |
| 107                                    |          | 103   |      |          |  | 147      |       | 142  |          |
| 108                                    |          | 104   |      |          |  | 148      |       | 143  |          |
| 109                                    |          | 105   |      |          |  | 149      |       | 139  |          |
| 110                                    |          | 106   |      |          |  | 150      |       | 140  |          |
| 111                                    |          | 107   |      |          |  | 151      |       | 141  |          |
| 112                                    |          | 108   |      |          |  | 152      |       | 167  |          |
| 113                                    |          | 109   |      |          |  | 153      |       | 168  |          |
| 114                                    |          | 110   |      |          |  | 154      |       | 169  |          |
| 115                                    |          | 111   |      |          |  | 155      |       | 170  |          |
| 116                                    |          | 144   |      |          |  | 156      |       | 171  |          |
| 117                                    |          | 146   |      |          |  | 157      |       | 129  |          |
| 118                                    |          | 147   |      |          |  | 158      |       | 123  |          |
| 119                                    |          | 148   |      |          |  | 159      |       | 122  |          |
| 120                                    |          | 149   |      |          |  | 160      |       | 124  |          |
| 121                                    |          | 150   |      |          |  | 161      |       | 125  |          |
| 122                                    |          | 151   |      |          |  |          | 2     |      | 2        |
| 123                                    |          | 152   |      |          |  | 162      |       | 126  |          |
| 124                                    |          | 153   |      |          |  | 163      |       | 127  |          |
| 125                                    |          |       |      |          |  |          | 2     |      | 2        |
| 126                                    |          | 154   |      |          |  |          | 3     |      | 3        |
| 127                                    |          | 155   |      |          |  |          | 4     |      | 4        |
| 128                                    |          | 156   |      |          |  | 164      |       | 128  |          |

SCHEDULE I.—*Continued.*ORDINANCES OF 1897.—*Continued.*ORDINANCES OF 1897.—*Continued.*

| Ordinance. | Section. | CONS. |      | REMARKS. | Ordinance. | Section. | CONS. |      | REMARKS. |
|------------|----------|-------|------|----------|------------|----------|-------|------|----------|
|            |          | Cap.  | Sec. |          |            |          | Cap.  | Sec. |          |
| 165        |          | 70    | 130  |          | 219        | 70       | 215   |      |          |
| 166        |          |       | 131  |          | 220        |          | 216   |      |          |
| 167        |          |       | 132  |          | 221        |          | 217   |      |          |
| 168        |          |       | 133  |          | 222        |          | 218   |      |          |
| 169        |          |       | 134  |          | 223        |          | 219   |      |          |
| 170        |          |       | 135  |          | 224        |          | 220   |      |          |
| 171        |          |       | 136  |          | 225        |          | 221   |      |          |
| 172        |          |       | 137  |          | 226        |          | 222   |      |          |
| 173        |          |       | 138  |          | 227        |          | 223   |      |          |
| 174        |          |       | 172  |          | 228        |          | 224   |      |          |
| 175        |          |       | 173  |          | 229        |          | 225   |      |          |
| 176        |          |       | 174  |          | 230        |          | 226   |      |          |
| 177        |          |       | 175  |          | 231        |          |       |      |          |
| 178        |          |       | 176  |          |            |          |       |      |          |
| 179        |          |       | 177  |          | 232        |          | 228   |      |          |
| 180        |          |       | 178  |          | 233        |          | 229   |      |          |
| 181        |          |       | 179  |          | 234        |          | 230   |      |          |
| 182        |          |       | 180  |          | 235        |          | 268   |      |          |
| 183        |          |       | 181  |          | 236        |          | 269   |      |          |
| 184        |          |       | 182  |          | 237        |          | 270   |      |          |
| 185        |          |       | 165  |          | 238        |          | 271   |      |          |
|            | 2        |       |      | 2        | 239        |          | 272   |      |          |
| 186        |          |       | 166  |          | 240        |          | 273   |      |          |
| 187        |          |       | 145  |          | 241        |          | 274   |      |          |
| 188        |          |       | 183  |          | 242        |          | 275   |      |          |
| 189        |          |       | 203  |          | 243        |          | 231   |      |          |
| 190        |          |       | 184  |          | 244        |          | 232   |      |          |
| 191        |          |       | 185  |          | 245        |          | 233   |      |          |
| 192        |          |       | 186  |          | 246        |          | 234   |      |          |
| 193        |          |       | 187  |          | 247        |          | 235   |      |          |
| 194        |          |       | 188  |          | 248        |          | 236   |      |          |
| 195        |          |       | 189  |          | 249        |          | 237   |      |          |
| 196        |          |       | 190  |          | 250        |          | 238   |      |          |
| 197        |          |       | 191  |          | 251        |          | 239   |      |          |
| 198        |          |       | 192  |          | 252        |          | 240   |      |          |
| 199        |          |       | 193  |          | 253        |          | 241   |      |          |
| 200        |          |       | 194  |          | 254        |          | 242   |      |          |
| 201        |          |       | 195  |          | 255        |          | 243   |      |          |
|            | 2        |       |      | 2        | 256        |          | 244   |      |          |
| 202        |          |       | 196  |          | 257        |          | 245   |      |          |
| 203        |          |       | 197  |          | 258        |          | 246   |      |          |
| 204        |          |       | 198  |          | 259        |          | 247   |      |          |
| 205        |          |       | 199  |          | 260        |          | 248   |      |          |
| 206        |          |       | 200  |          | 261        |          | 249   |      |          |
| 207        |          |       | 201  |          | 262        |          | 250   |      |          |
| 208        |          |       | 202  |          | 263        |          | 251   |      |          |
| 209        |          |       | 204  |          | 264        |          | 252   |      |          |
| 210        |          |       | 205  |          | 265        |          | 253   |      |          |
| 211        |          |       | 206  |          | 266        |          | 254   |      |          |
| 212        |          |       | 207  |          | 267        |          | 255   |      |          |
| 213        |          |       | 208  |          | 268        |          | 256   |      |          |
| 214        |          |       | 209  |          | 269        |          | 257   |      |          |
| 215        |          |       | 210  |          | 270        |          | 258   |      |          |
|            | 2        |       |      | 2        | 271        |          | 259   |      |          |
| 216        |          |       | 211  |          | 272        |          | 260   |      |          |
| 217        |          |       | 213  |          | 273        |          | 261   |      |          |
| 218        |          |       | 214  |          | 274        |          | 262   |      |          |
|            |          |       |      |          | 275        |          | 263   |      |          |

Repealed 1898, No.  
26, s. 1 (37).

Repealed 1898, No.  
26, s. 1 (32).

## SCHEDULE I.—Continued.

| ORDINANCES OF 1897.—Continued. |          |       |        |  | ORDINANCES OF 1897.—Continued. |          |       |      |  |
|--------------------------------|----------|-------|--------|--|--------------------------------|----------|-------|------|--|
| Ordinance.                     | Section. | CONS. |        | REMARKS.   | Ordinance.                     | Section. | CONS. |      | REMARKS.                                     |
|                                |          | Cap.  | Sec.   |  |                                |          | Cap.  | Sec. |  |
| 8                              | 276      | 70    | 264    | Unnecessary, covered by sec. 20.                 | 10                             | 5        | 73    | 5    | Repealed 1898, No. 28, s. 3.                 |
|                                | 277      |       | 265    |  |                                |          | 3     | 3    |  |
|                                | 278      |       | 266    |  |                                |          | 4     | 4    |  |
|                                | 279      |       | 267    |  |                                | 6        |       | 6    |  |
|                                | 280      |       | 276    |  |                                |          | 1     |      |  |
|                                | 281      |       | 277    |  |                                |          | 2     |      |  |
|                                | 282      |       | 278    |  |                                |          | 3     |      |  |
|                                | 283      |       |        |  |                                | 7        |       | 8    |  |
|                                | 284      |       | 279    |  |                                | 8        |       | 9    |  |
|                                | 285      |       | 280    |  |                                |          | 2     |      |  |
|                                | 286      |       | 281    | Unnecessary.                                     |                                | 9        |       | 10   | Repealed 1898, No. 28, s. 4.                 |
|                                |          | a     |        |  |                                |          | 2     |      |  |
|                                |          | b     |        |  |                                | 10       |       | 11   |  |
|                                |          | c     |        |  |                                |          | 2     |      |  |
|                                |          | d     |        |  |                                |          | 3     |      |  |
|                                | 287      |       | 282    |  |                                | 11       |       | 12   |  |
|                                | 288      |       | 283    |  |                                | 12       |       |      |  |
|                                | 289      |       | 284    |  |                                |          |       |      |  |
|                                | 290      |       |        |  |                                | 13       |       | 14   |  |
|                                | 291      |       | 285    |  |                                | 14       |       | 15   |  |
|                                | 292      |       | 286    | Repeals No. 3, 1894; No. 25, 1895; No. 27, 1896. |                                |          | 1     |      | Repealed 1898, No. 28, s. 5.                 |
|                                | 293      |       | 287    |  |                                |          | a     |      |  |
|                                | 294      |       |        |  |                                |          | b     |      |  |
|                                | Form A   |       | Form A |  |                                | 15       |       | 16   |  |
|                                | " B      |       | " B    |  |                                |          | 1     |      |  |
|                                | " C      |       | " C    |  |                                |          | 2     |      |  |
|                                | " D      |       | " D    |  |                                |          | 3     |      |  |
|                                | " E      |       | " E    |  |                                |          |       |      |  |
|                                | " F      |       | " F    |  |                                | 16       |       |      |  |
|                                | " G      |       |        |  |                                |          |       |      |  |
|                                |          |       |        | Repealed 1898, No. 26, s. 1 (45).                |                                | 17       |       | 18   | Repealed by implication, 1898, No. 28, s. 5. |
|                                |          |       |        | Repealed 1898, No. 27, s. 51.                    |                                | 18       |       | 19   |  |
|                                |          |       |        |  |                                | 19       |       | 20   |  |
|                                |          |       |        |  |                                | 20       |       | 21   |  |
|                                |          |       |        |  |                                | 21       |       |      |  |
|                                |          |       |        |  |                                | 22       |       | 22   |  |
|                                |          |       |        |  |                                | 23       |       | 23   |  |
|                                |          |       |        |  |                                | 24       |       | 24   |  |
|                                |          |       |        |  |                                | 25       |       | 25   |  |
|                                |          |       |        |  |                                | 26       |       | 26   |  |
|                                |          |       |        | Repealed 1898, No. 28, s. 1.                     |                                | 27       |       | 27   | Repealed 1898, No. 28, s. 7.                 |
|                                |          |       |        |  |                                |          | 2     |      |  |
|                                |          |       |        |  |                                |          | 3     |      |  |
|                                | 3        |       | 3      |  |                                | 28       |       | 28   |  |
|                                |          | 2     |        |  |                                |          | 2     |      |  |
|                                |          | 3     |        |  |                                | 29       |       | 29   |  |
|                                | 4        |       | 4      |  |                                | 30       |       | 30   |  |
|                                |          | 2     |        |  |                                |          | 2     |      |  |
|                                |          | 3     |        |  |                                | 31       |       | 31   |  |
|                                |          | 4     |        |  |                                |          | 2     |      |  |
|                                |          | 5     |        |  |                                | 32       |       | 35   | Repealed 1898, No. 28, s. 12.                |
|                                |          | 6     |        |  |                                | 33       |       | 36   |  |
|                                | 5        |       | 5      |  |                                |          | 2     |      |  |
|                                |          | 2     |        |  |                                |          |       |      |  |
|                                |          |       |        |  |                                |          |       |      |  |
|                                |          |       |        |  |                                |          |       |      |  |
|                                |          |       |        |  |                                |          |       |      |  |
|                                |          |       |        |  |                                |          |       |      |  |
|                                |          |       |        |  |                                |          |       |      |  |
|                                |          |       |        |  |                                |          |       |      |  |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1897.— <i>Continued.</i> |          |       |        |   | ORDINANCES OF 1897.— <i>Continued.</i> |          |       |      |          |
|--|----------|-------|--------|---|--|----------|-------|------|----------|
| Ordinance.                             | Section. | CONS. |        | REMARKS.  | Ordinance.                             | Section. | CONS. |      | REMARKS. |
|  |          | Cap.  | Sec.   |   |  |          | Cap.  | Sec. |          |
| 10                                     | 34       | 73    | 37     | Repealed by implication, 1898, No. 28, s. 5.<br>Repeals No. 26, 1896. | 11                                     | 23       | 3     | 23   |          |
|  | 35       |       | 38     |   |  | 24       | 5     | 24   | 5        |
|  | 36       |       | 39     |   |  | 25       |       | 25   |          |
|  |          | 1     |        |   |  | 26       | 2     | 26   | 2        |
|  |          | 2     |        |   |  |          | 2     |      | 2        |
|  |          | 3     |        |   |  |          |       |      | 3        |
|  |          | 4     |        |   |  |          | 4     |      | 4        |
|  | 37       |       | 40     |   |  | 27       |       | 27   |          |
|  | 38       |       | 41     |   |  | 28       | 2     | 28   | 2        |
|  | 39       |       | 42     |   |  | 29       |       | 29   |          |
|  | 40       |       | 44     |   |  | 30       | 2     | 30   | 2        |
|  | 41       |       |        |   |  | 31       |       | 31   |          |
|  | 42       |       |        |   |  |          | 2     |      | 2        |
|  | Form A   |       | Form A |   |  |          | 3     |      | 3        |
|  | " B      |       | " B    |   |  |          |       |      |          |
| 11                                     | 1        | 3     | 1      |   |  | 32       |       | 32   |          |
|  | 2        |       | 2      |   |  | 33       |       | 33   |          |
|  | 3        |       | 3      |   |  | 34       |       | 34   |          |
|  | 4        |       | 4      |   |  | 35       |       | 35   |          |
|  | 5        |       | 5      |   |  | 36       |       | 36   |          |
|  | 6        |       | 6      |   |  | 37       |       | 37   |          |
|  | 7        |       | 7      |   |  |          | 2     |      | 2        |
|  | 8        | 2     | 8      |   |  | 38       |       | 38   |          |
|  | 9        |       | 9      |   |  | 39       |       | 39   |          |
|  | 10       |       | 10     |   |  | 40       | 2     | 40   | 2        |
|  |          | 1     |        |   |  |          | a     |      | a        |
|  |          | 2     |        |   |  |          | b     |      | b        |
|  |          | 3     |        |   |  |          | c     |      | c        |
|  | 11       |       | 11     |   |  | 41       |       | 41   |          |
|  | 12       |       | 12     |   |  | 42       |       | 42   |          |
|  | 13       |       | 13     |   |  | 43       |       | 43   |          |
|  | 14       |       | 14     |   |  | 44       |       | 44   |          |
|  | 15       |       | 15     |   |  | 45       |       | 45   |          |
|  | 16       |       | 16     |   |  | 46       |       | 46   |          |
|  |          | a     |        |   |  | 47       |       | 47   |          |
|  |          | b     |        |   |  |          | 2     |      | 2        |
|  |          | 2     |        |   |  | 48       |       | 48   |          |
|  |          | 3     |        |   |  |          | 2     |      | 2        |
|  |          | 4     |        |   |  |          | 3     |      | 3        |
|  |          | 5     |        |   |  |          | 4     |      | 4        |
|  |          |       |        |   |  |          | 5     |      | 5        |
|  | 17       |       | 17     |   |  | 49       |       | 49   |          |
|  | 18       |       | 18     |   |  |          | 2     |      | 2        |
|  | 19       |       | 19     |   |  |          | 3     |      | 3        |
|  |          | 1     |        |   |  |          | 4     |      | 4        |
|  |          | 2     |        |   |  |          | 5     |      | 5        |
|  |          | 3     |        |   |  |          |       |      |          |
|  | 20       |       | 20     |   |  | 50       |       | 50   |          |
|  | 21       |       | 21     |   |  |          | 2     |      | 2        |
|  | 22       |       | 22     |   |  |          | 3     |      | 3        |
|  | 23       |       | 23     |   |  | 51       |       | 51   |          |
|  |          | 1     |        |   |  | 52       |       | 52   |          |
|  |          | 2     |        |   |  |          | 2     |      | 2        |
|  |          | 3     |        |   |  | 53       |       | 53   |          |
|  |          | 4     |        |   |  | 54       |       | 54   |          |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1897.— <i>Continued.</i> |          |       |      |          | ORDINANCES OF 1897.— <i>Continued.</i> |          |       |      |          |
|--|----------|-------|------|----------|--|----------|-------|------|----------|
| Ordinance.                             | Section. | CONS. |      | REMARKS. | Ordinance.                             | Section. | CONS. |      | REMARKS. |
|  |          | Cap.  | Sec. |          |  |          | Cap.  | Sec. |          |
| 11                                     | 54       | 3     | 54   |          | 11                                     | 89       | 3     | 89   |          |
|  |          | 2     |      |          |  |          | 4     |      |          |
|  | 55       |       | 55   |          |  | 90       | 2     |      |          |
|  | 56       |       | 56   |          |  | 91       |       | 90   |          |
|  |          | 2     |      |          |  |          |       | 91   |          |
|  |          | 3     |      |          |  |          | 2     |      |          |
|  |          | 4     |      |          |  |          | 3     |      |          |
|  | 57       |       | 57   |          |  | 92       |       | 92   |          |
|  |          | a     |      |          |  |          | 2     |      |          |
|  |          | b     |      |          |  |          | 3     |      |          |
|  |          | c     |      |          |  |          | 4     |      |          |
|  |          | d     |      |          |  |          |       |      |          |
|  | 58       |       | 58   |          |  | 93       |       | 93   |          |
|  | 59       |       | 59   |          |  | 94       |       | 94   |          |
|  |          | 2     |      |          |  | 95       |       | 95   |          |
|  | 60       |       | 60   |          |  |          | 2     |      |          |
|  | 61       |       | 61   |          |  | 96       |       | 96   |          |
|  |          | 2     |      |          |  | 97       |       | 97   |          |
|  | 62       |       | 62   |          |  |          | 1     |      |          |
|  | 63       |       | 63   |          |  |          | 2     |      |          |
|  | 64       |       | 64   |          |  |          | 3     |      |          |
|  | 65       |       | 65   |          |  |          | 4     |      |          |
|  |          | 2     |      |          |  |          | 5     |      |          |
|  | 66       |       | 66   |          |  |          | 6     |      |          |
|  | 67       |       | 67   |          |  |          | 7     |      |          |
|  |          | 2     |      |          |  |          | 8     |      |          |
|  |          | 3     |      |          |  |          | 9     |      |          |
|  |          | 4     |      |          |  |          | 10    |      |          |
|  |          | 5     |      |          |  | 98       |       | 98   |          |
|  | 68       |       | 68   |          |  | 99       |       | 99   |          |
|  | 69       |       | 69   |          |  |          | 2     |      |          |
|  |          | 2     |      |          |  |          | 3     |      |          |
|  |          | 3     |      |          |  |          | 4     |      |          |
|  | 70       |       | 70   |          |  | 100      |       | 100  |          |
|  | 71       |       | 71   |          |  | 101      |       | 101  |          |
|  | 72       |       | 72   |          |  | 102      |       | 102  |          |
|  | 73       |       | 73   |          |  | 103      |       | 103  |          |
|  | 74       |       | 74   |          |  | 104      |       | 104  |          |
|  | 75       |       | 75   |          |  | 105      |       | 105  |          |
|  |          | 2     |      |          |  | 106      |       | 106  |          |
|  | 76       |       | 76   |          |  | 107      |       | 107  |          |
|  | 77       |       | 77   |          |  | 108      |       | 108  |          |
|  | 78       |       | 78   |          |  | 109      |       | 109  |          |
|  | 79       |       | 79   |          |  | 110      |       | 110  |          |
|  | 80       |       | 80   |          |  | 111      |       | 111  |          |
|  | 81       |       | 81   |          |  | 112      |       | 112  |          |
|  | 82       |       | 82   |          |  | 113      |       | 113  |          |
|  | 83       |       | 83   |          |  | 114      |       | 114  |          |
|  | 84       |       | 84   |          |  |          | 2     |      |          |
|  | 85       |       | 85   |          |  |          | 3     |      |          |
|  | 86       |       | 86   |          |  |          | 4     |      |          |
|  | 87       |       | 87   |          |  | 115      |       | 115  |          |
|  | 88       |       | 88   |          |  | 116      |       | 116  |          |
|  |          | 2     |      |          |  |          | 2     |      |          |
|  |          |       |      |          |  | 117      |       | 117  |          |
|  | 89       |       | 89   |          |  | 118      |       | 118  |          |
|  |          | 1     |      |          |  |          | 2     |      |          |
|  |          | 2     |      |          |  | 119      |       | 119  |          |
|  |          | 3     |      |          |  | 120      |       | 120  |          |
|  |          |       |      |          |  | 121      |       | 121  |          |
|  |          |       |      |          |  | 122      |       | 122  |          |

## SCHEDULE I.—Continued.

| ORDINANCES OF 1897.—Continued. |          |          |      |                                 | ORDINANCES OF 1897.—Continued. |          |        |      |          |
|--------------------------------|----------|----------|------|---------------------------------|--------------------------------|----------|--------|------|----------|
| Ordinance.                     | Section. | CONS.    |      | REMARKS.                        | Ordinance.                     | Section. | CONS.  |      | REMARKS. |
|                                |          | Cap.     | Sec. |                                 |                                |          | Cap.   | Sec. |          |
| 11                             | 121      | 3        | 123  |                                 | 12                             | 9        | 4      | 9    |          |
|                                | 1        |          | 1    |                                 |                                | 10       |        | 10   |          |
|                                | 2        |          | 2    |                                 |                                | a        |        | a    |          |
|                                | 3        |          | 3    |                                 |                                | b        |        | b    |          |
|                                | 4        |          | 4    |                                 |                                | c        |        | c    |          |
|                                | 5        |          | 5    |                                 |                                | d        |        | d    |          |
| 122                            |          | 124      |      |                                 |                                | e        |        | e    |          |
| 123                            |          | 125      |      |                                 | 11                             |          | 11     |      |          |
| 124                            |          | 126      |      |                                 | 12                             |          | 12     |      |          |
| 125                            |          | 127      |      |                                 |                                | a        |        | a    |          |
|                                | 1        |          | 1    |                                 |                                | b        |        | b    |          |
|                                | 2        |          | 2    |                                 | 13                             |          | 13     |      |          |
|                                | 3        |          | 3    |                                 |                                | a        |        | a    |          |
|                                | 4        |          | 4    |                                 |                                | b        |        | b    |          |
| 126                            |          | 128      |      |                                 |                                | c        |        | c    |          |
|                                | 2        |          | 2    |                                 |                                | d        |        | d    |          |
|                                | 3        |          | 3    |                                 | 14                             |          | 14     |      |          |
| 127                            |          | 129      |      |                                 | 15                             |          | 15     |      |          |
| 128                            |          | 130      |      |                                 | 16                             |          | 16     |      |          |
| 129                            |          | 131      |      |                                 | 17                             |          | 17     |      |          |
| 130                            |          |          |      | Repealed 1898, No.<br>4, s. 24. | 18                             |          | 18     |      |          |
|                                |          |          |      |                                 | 19                             |          | 19     |      |          |
| 131                            |          | 133      |      |                                 | 20                             |          | 20     |      |          |
| 132                            |          | 134      |      |                                 | 21                             |          | 21     |      |          |
| 133                            |          |          |      | Repeals No. 2, 1894.            |                                | 2        |        | 2    |          |
| Sched. I                       |          | SCHED.   |      |                                 | 22                             |          | 22     |      |          |
| Form A                         |          | Form J   |      |                                 | 23                             |          | 23     |      |          |
| " B                            |          | Form A   |      |                                 | 24                             |          | 24     |      |          |
| " C                            |          | " B      |      |                                 | 25                             |          | 25     |      |          |
| " D                            |          | " C      |      |                                 | 26                             |          | 26     |      |          |
| " E                            |          | " D      |      |                                 | 27                             |          | 27     |      |          |
| " F                            |          | " E      |      |                                 | 28                             |          | 28     |      |          |
| " G                            |          | " F      |      |                                 | 29                             |          | 29     |      |          |
| " H                            |          | " G      |      |                                 | 30                             |          | 30     |      |          |
| " I                            |          | " H      |      |                                 | 31                             |          | 31     |      |          |
| " J                            |          | " I      |      |                                 | 32                             |          | 32     |      |          |
| " K                            |          | " K      |      |                                 | Form A                         | A        | Form A | A    |          |
| " L                            |          | " L      |      |                                 | " B                            | B        | " B    | B    |          |
| " M                            |          | " M      |      |                                 |                                |          |        |      |          |
| " N                            |          | " N      |      |                                 | 13                             | 1        | 5      | 1    |          |
| " O                            |          | Tariff A |      |                                 | 2                              |          | 2      |      |          |
| " P                            |          | " B      |      |                                 | 3                              |          | 3      |      |          |
|                                |          | " C      |      |                                 | 4                              |          | 4      |      |          |
|                                |          |          |      |                                 |                                | a        |        | a    |          |
| 12                             | 1        | 4        | 1    |                                 |                                | b        |        | b    |          |
|                                | 2        |          | 2    |                                 |                                | c        |        | c    |          |
|                                |          |          |      |                                 |                                | d        |        | d    |          |
|                                | 1        |          | 1    |                                 |                                | e        |        | e    |          |
|                                | 2        |          | 2    |                                 |                                | f        |        | f    |          |
|                                | 3        |          | 3    |                                 |                                | g        |        | g    |          |
|                                | 4        |          | 4    |                                 |                                | h        |        | h    |          |
|                                |          | a        | a    |                                 |                                |          |        |      |          |
|                                |          | b        | b    |                                 |                                |          |        |      |          |
|                                |          | c        | c    |                                 |                                |          |        |      |          |
|                                |          | d        | d    |                                 |                                |          |        |      |          |
|                                | 5        |          | 5    |                                 | 5                              |          | 5      |      |          |
|                                | 6        |          | 6    |                                 | 6                              |          | 6      |      |          |
|                                | 7        |          | 7    |                                 |                                | a        |        | a    |          |
|                                | 8        |          | 8    |                                 |                                | b        |        | b    |          |
|                                |          |          |      |                                 | 8                              |          | 8      |      |          |
|                                |          |          |      |                                 | 9                              |          | 9      |      |          |

## SCHEDULE I.—Continued.

| ORDINANCES OF 1897,---Continued. |          |       |        |          | ORDINANCES OF 1897,---Continued. |          |       |      |          |
|----------------------------------|----------|-------|--------|----------|----------------------------------|----------|-------|------|----------|
| Ordinance.                       | Section. | CONS. |        | REMARKS. | Ordinance.                       | Section. | CONS. |      | REMARKS. |
|                                  |          | Cap.  | Sec.   |          |                                  |          | Cap.  | Sec. |          |
| 13                               | 10       | 5     | 10     |          | 16                               | 2        | 10    | 2    |          |
|                                  | 11       |       | 11     |          |                                  |          |       |      |          |
|                                  | 12       |       | 12     |          |                                  |          | c     |      | c        |
|                                  | 13       |       | 13     |          |                                  |          | d     |      | d        |
|                                  |          | 2     |        | 2        |                                  |          | e     |      | e        |
|                                  | 14       |       | 14     |          |                                  |          | f     |      | f        |
|                                  | 15       |       | 15     |          |                                  | 3        |       | 3    |          |
|                                  | 16       |       | 16     |          |                                  | 4        |       | 4    |          |
|                                  | 17       |       | 17     |          |                                  | 5        |       | 5    |          |
|                                  | 18       |       | 18     |          |                                  | 6        |       | 6    |          |
|                                  | 19       |       | 19     |          |                                  | 7        |       | 7    |          |
|                                  |          | a     |        | a        |                                  | 8        |       | 8    |          |
|                                  | b        |       | b      |          |                                  | 9        | 1     | 8    | 55       |
|                                  | c        |       | c      |          |                                  | 10       | 10    | 9    |          |
|                                  | d        |       | d      |          |                                  | 11       |       | 10   |          |
|                                  | 20       |       | 20     |          |                                  | 12       |       | 11   |          |
|                                  | 21       |       | 21     |          |                                  | 13       |       | 12   |          |
|                                  | 22       |       | 22     |          |                                  | 14       |       | 13   |          |
|                                  |          | 2     |        | 2        |                                  | 15       |       | 14   |          |
|                                  | 23       |       | 23     |          |                                  | 16       |       | 15   |          |
|                                  | 24       |       | 24     |          |                                  | 17       |       | 16   |          |
|                                  | 25       |       | 25     |          |                                  | 18       |       | 17   |          |
|                                  | 26       |       | 26     |          |                                  | 19       |       | 18   |          |
|                                  | 27       |       | 27     |          |                                  | 20       |       | 19   |          |
|                                  | 28       |       | 28     |          |                                  | 21       |       | 20   |          |
|                                  | 29       |       | 29     |          |                                  | 22       |       | 21   |          |
|                                  | Form A   |       | Form A |          |                                  | 23       |       | 22   |          |
|                                  | " B      |       | " B    |          |                                  | 24       |       | 23   |          |
| 14                               | 1        | 6     | 1      |          |                                  | 25       |       | 24   |          |
|                                  | 2        |       | 2      |          |                                  | 26       |       | 25   |          |
|                                  | 3        |       | 3      |          |                                  | 27       |       | 26   |          |
|                                  |          | a     |        | a        |                                  | 28       |       | 27   |          |
|                                  |          | b     |        | b        |                                  | 29       |       | 28   |          |
|                                  |          | c     |        | c        |                                  | 30       |       | 29   |          |
|                                  |          | d     |        | d        |                                  | 31       |       | 30   |          |
|                                  |          | e     |        | e        |                                  | 32       |       | 31   |          |
|                                  |          | f     |        | f        |                                  | 33       |       | 32   |          |
|                                  |          | g     |        | g        |                                  | 34       |       | 33   |          |
|                                  |          | h     |        | h        |                                  | 35       |       | 34   |          |
|                                  |          | i     |        | i        |                                  | 36       |       | 35   |          |
|                                  | 4        |       | 4      |          |                                  | 37       |       | 36   |          |
|                                  | 5        |       | 5      |          |                                  | 38       |       | 37   |          |
|                                  |          |       |        |          |                                  | 39       |       | 38   |          |
|                                  |          |       |        |          |                                  | 40       |       | 39   |          |
|                                  |          |       |        |          |                                  | 41       |       | 40   |          |
|                                  |          |       |        |          |                                  | 42       |       | 41   |          |
|                                  |          |       |        |          |                                  | 43       |       | 42   |          |
| 15                               | 1        | 7     | 1      |          |                                  | 44       |       | 43   |          |
|                                  | 2        |       | 2      |          |                                  | 45       |       | 44   |          |
|                                  | 3        |       | 3      |          |                                  | 46       |       | 45   |          |
|                                  |          | a     |        | a        |                                  | 47       |       | 46   |          |
|                                  |          | b     |        | b        |                                  | 48       |       | 47   |          |
|                                  |          | c     |        | c        |                                  | 49       |       | 48   |          |
|                                  | 4        |       | 4      |          |                                  | 50       |       | 49   |          |
| 16                               | 1        | 10    | 1      |          |                                  | 51       |       | 50   |          |
|                                  | 2        |       | 2      |          |                                  | 52       |       | 51   |          |
|                                  |          | a     |        | a        |                                  | 53       |       | 52   |          |
|                                  |          | b     |        | b        |                                  | 54       |       | 53   |          |
|                                  |          |       |        |          |                                  | 55       |       | 54   |          |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1897,— <i>Continued.</i> |          |      |               |                       | ORDINANCES OF 1897,— <i>Continued.</i> |          |      |               |          |
|--|----------|------|---------------|-----------------------|--|----------|------|---------------|----------|
| Ordinance.                             | Section. | Cap. | CONS.<br>Sec. | REMARKS.              | Ordinance.                             | Section. | Cap. | CONS.<br>Sec. | REMARKS. |
| 16                                     | 56       | 10   | 55            |                       | 17                                     | 17       | 9    | 16            |          |
|  | 57       |      | 56            |                       |  | 18       |      | 17            |          |
|  | 58       |      | 57            |                       |  | 19       |      | 18            |          |
|  | 59       |      | 58            |                       |  | 20       |      | 19            |          |
|  | 60       |      | 59            |                       |  | 21       |      | 20            |          |
|  | 61       |      | 60            |                       |  | 22       |      | 21            |          |
|  | 62       |      | 61            |                       |  | 23       |      | 22            |          |
|  | 63       |      | 62            |                       |  | 24       |      | 23            |          |
|  | 64       |      | 63            |                       |  | 25       |      | 24            |          |
|  | 65       |      | 64            |                       |  | 26       |      | 25            |          |
|  | <i>a</i> |      | <i>a</i>      |                       |  | 27       |      | 26            |          |
|  | <i>b</i> |      | <i>b</i>      |                       |  | 28       |      | 27            |          |
|  | 66       |      | 65            |                       |  | 29       |      | 28            |          |
|  | 67       |      | 66            |                       |  | 30       |      | 29            |          |
|  | 68       |      | 67            |                       |  | 31       |      | 30            |          |
|  | 69       |      | 68            |                       |  | 32       |      | 31            |          |
|  | 1        |      | 1             |                       |  | 33       |      | 32            |          |
|  | 2        |      | 2             |                       |  | 34       |      | 33            |          |
|  | 3        |      | 3             |                       |  |          | 2    |               | 2        |
|  | 4        |      | 4             |                       |  |          | 3    |               | 3        |
|  | 5        |      | 5             |                       |  | 35       |      | 34            |          |
|  | 6        |      | 6             |                       |  | 36       |      | 35            |          |
|  | 70       |      | 69            |                       |  |          | 2    |               | 2        |
|  | 71       |      | 70            |                       |  | 37       |      | 36            |          |
|  | 72       |      | 71            |                       |  | 38       |      | 37            |          |
|  | 73       |      | 72            |                       |  | 39       |      | 38            |          |
|  | 74       |      | 73            |                       |  | 40       |      | 39            |          |
|  | 75       |      | 74            |                       |  | 41       |      | 40            |          |
|  | 76       |      | 75            |                       |  | 42       |      | 41            |          |
|  | 77       |      | 76            |                       |  | 43       |      | 42            |          |
|  | 78       |      | 77            |                       |  | 44       |      | 43            |          |
|  | 79       |      |               | Repeals No. 13, 1895. |  | 45       |      | 44            |          |
| 17                                     | 1        | 9    | 1             |                       |  | 46       |      | 45            |          |
|  | 2        |      | 2             |                       |  | 47       |      | 46            |          |
|  | 1        |      | 1             |                       |  | 48       | 2    | 47            | 2        |
|  | 2        |      | 2             |                       |  |          |      |               |          |
|  | 3        |      | 3             |                       |  | 18       | 1    | 8             | 1        |
|  | 4        |      | 4             |                       |  |          | 2    |               | 2        |
|  | 5        |      | 5             |                       |  |          | 3    |               | 3        |
|  | 6        |      | 6             |                       |  |          | 4    |               | 4        |
|  | 7        |      | 7             |                       |  |          | 5    |               | 5        |
|  | 3        |      | 3             |                       |  |          | 6    |               | 6        |
|  | 4        |      | 4             |                       |  |          | 7    |               | 7        |
|  | 5        |      | 5             |                       |  | 19       | 1    | 81            | 1        |
|  | 6        |      | 6             |                       |  |          | 2    |               | 2        |
|  | 7        |      | 7             |                       |  |          |      |               |          |
|  | 8        |      | 8             |                       |  |          | 1    |               | 1        |
|  | 9        |      | 9             |                       |  |          | 2    |               | 2        |
|  | 10       |      | 10            |                       |  |          | 3    |               | 3        |
|  | 11       |      | 11            |                       |  |          | 4    |               | 4        |
|  | 12       |      | 12            |                       |  |          | 5    |               | 5        |
|  | 13       |      | 13            |                       |  |          | 6    |               | 6        |
|  | 2        |      | 2             |                       |  |          | 7    |               | 7        |
|  | 3        |      | 3             |                       |  |          | 8    |               | 8        |
|  | 14       |      | 14            |                       |  |          | 9    |               | 9        |
|  | 15       |      | 15            |                       |  |          | 10   |               | 10       |
|  | 16       |      | 16            |                       |  |          | 11   |               | 11       |



SCHEDULE I.—*Continued.*

| ORDINANCES OF 1897.— <i>Continued.</i> |          |        |               |   | ORDINANCES OF 1897.— <i>Continued.</i> |          |      |               |  |
|--|----------|--------|---------------|---|--|----------|------|---------------|--|
| Ordinance.                             | Section. | Cap.   | CONS.<br>Sec. | REMARKS.  | Ordinance.                             | Section. | Cap. | CONS.<br>Sec. | REMARKS.                               |
| 19                                     | 3        | 81     | 3             |   | 20                                     | 2        | 80   | 2             |  |
|  | 4        |        | 4             |   |  | 11       |      | 11            |  |
|  |          | 2      |               |   |  | 3        |      | 3             |  |
|  |          | 3      | 2             |   |  | 4        |      | 4             |  |
|  | 5        |        | 5             |   |  |          | 2    |               | 2                                      |
|  | 6        |        | 6             |   |  | 5        |      | 5             |  |
|  | 7        |        | 7             |   |  |          | 2    |               | 2                                      |
|  | 8        |        | 8             |   |  | 6        |      | 6             |  |
|  |          | 2      |               | 2   |  |          | 2    |               | 2                                      |
|  | 9        |        | 9             |   |  |          | 3    |               | 3                                      |
|  | 10       |        | 10            |   |  | 7        |      | 7             |  |
|  |          | 2      |               | 2   |  | 8        |      | 8             |  |
|  | 11       |        |               | Repealed 1898, No.<br>36, s. 5.                             |  | 9        |      | 9             |  |
|  | 12       |        | 11            |   |  | 10       |      | 10            |  |
|  | 13       |        | 12            |   |  | 11       |      | 11            |  |
|  |          | 2      |               | 2   |  |          | 1    |               | 1                                      |
|  | 14       |        | 13            |   |  |          | 2    |               | 2                                      |
|  | 15       |        | 14            |   |  |          | 3    |               | 3                                      |
|  | 16       |        | 15            |   |  |          | 4    |               | 4                                      |
|  |          | 2      | 16            |   |  |          | 5    |               | 5                                      |
|  | 17       |        | 17            |   |  |          | 6    |               | 6                                      |
|  | 18       |        | 18            |   |  |          | 7    |               | 7                                      |
|  | 19       |        | 19            |   |  |          | 8    |               | 8                                      |
|  | 20       |        | 20            |   |  |          | 9    |               | 9                                      |
|  | 21       |        | 21            |   |  |          | (2)  |               |  |
|  | 22       |        | 22            |   |  | 12       |      | 13            |  |
|  |          | 2      |               | 2   |  | 13       |      |               | Repeals No. 19, 1894;<br>No. 23, 1895. |
|  | 23       |        | 23            |   |  | Form A   |      | Form A        |  |
|  | 24       |        | 24            |   |  |          |      |               |  |
|  | 25       |        | 25            |   |  | 21       | 1    | 79            | 1                                      |
|  | 26       |        | 26            |   |  |          | 2    |               | 2                                      |
|  | 27       |        | 27            |   |  |          |      | 1             | 1                                      |
|  | 28       |        | 28            |   |  |          |      | 2             | 2                                      |
|  | 29       |        | 29            |   |  |          |      | 3             | 3                                      |
|  | 30       |        | 30            |   |  |          |      | 4             | 4                                      |
|  | 31       |        | 31            |   |  |          |      | 5             | 5                                      |
|  | 32       |        | 32            |   |  |          |      | 6             | 6                                      |
|  | 33       |        | 33            |   |  |          |      | 7             | 7                                      |
|  | 34       |        |               | Repeals No. 24, 1891-<br>92; No. 24, 1893;<br>No. 23, 1894. |  |          |      | 8             | 8                                      |
|  |          | Form A |               |   |  |          |      | 9             | 9                                      |
|  |          | " B    | Form A        |   |  |          |      | 10            | 10                                     |
|  |          |        | " B           |   |  |          |      | 11            | 11                                     |
|  |          |        |               |   |  |          |      | 12            | 12                                     |
|  |          |        |               |   |  |          |      | 13            | 13                                     |
|  |          |        |               |   |  |          |      | 14            | 14                                     |
| 20                                     | 1        | 80     | 1             |   |  |          |      |               |  |
|  | 2        |        | 2             |   |  | 3        |      |               | Repealed 1898, No.<br>34, s. 5.        |
|  |          | 1      |               | 1   |  |          |      |               |  |
|  |          | 2      |               | 2   |  |          |      |               |  |
|  |          | 3      |               | 3   |  | 4        |      | 4             |  |
|  |          | 4      |               | 4   |  |          | 2    |               | 2                                      |
|  |          | 5      |               | 5   |  |          | 3    |               | 3                                      |
|  |          | 6      |               | 6   |  | 5        |      | 7             |  |
|  |          | 7      |               | 7   |  |          | 2    |               | 2                                      |
|  |          | 8      |               | 8   |  |          | 3    |               | 3                                      |
|  |          | 9      |               | 9   |  | 6        |      | 8             |  |
|  |          | 10     |               | 10  |  | 7        |      | 9             |  |
|  |          |        |               |   |  | 8        |      | 10            |  |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1897.— <i>Continued.</i> |          |       |        |                              | ORDINANCES OF 1897.— <i>Continued.</i> |          |       |        |   |
|--|----------|-------|--------|------------------------------|--|----------|-------|--------|---|
| Ordinance.                             | Section. | CONS. |        | REMARKS.                     | Ordinance.                             | Section. | CONS. |        | REMARKS.  |
|  |          | Cap.  | Sec.   |                              |  |          | Cap.  | Sec.   |   |
| 21                                     | 9        | 79    | 12     | Repealed 1898, No. 34, s. 8. | 22                                     | 11       | 78    | 11     | Repeals cap. 15, R.O.; Nos. 6 and 22, 1895; No. 22, 1896.   |
|  | 10       | 2     | 13     |                              |  | 12       |       | 12     |   |
|  | 11       |       | 14     |                              |  | 13       |       | 13     |   |
|  | 12       |       | 15     |                              |  | 14       |       |        |   |
|  | 13       |       | 16     |                              |  | Form A   |       | Form A |   |
|  | 14       | 2     | 17     |                              |  | " B      |       | " B    |   |
|  | 15       |       |        |                              | 23                                     | 1        | 76    | 1      | Repealed 1898, No. 31, s. 1.<br>Repealed 1898, No. 31, s. 2.  |
|  | 16       |       | 18     |                              |  | 2        |       | 2      |   |
|  | 17       |       | 19     |                              |  |          |       | 1      |   |
|  | 18       | 2     | 20     |                              |  |          |       | 2      |   |
|  | 19       |       | 21     |                              |  |          |       | 3      |   |
|  | 20       |       | 22     |                              |  |          |       | 4      |   |
|  | 21       | 2     | 23     |                              |  |          |       | 5      |   |
|  | 22       |       | 24     |                              |  |          |       | 6      |   |
|  | 23       |       | 25     |                              |  |          |       | 7      |   |
|  | 24       |       | 26     |                              |  |          |       | 8      |   |
|  | 25       |       | 27     | Repeals cap. 13, R.O.        |  |          |       |        | Repealed 1898, No. 31, s. 4.<br><br>Repealed 1898, No. 31, s. 5.<br>Proviso lapsed.<br><br>Repealed 1898, No. 31, s. 6. |
|  | 26       | 2     | 28     |                              |  | 10       |       |        |   |
|  | 27       |       | 29     |                              |  | 11       |       | 10     |   |
|  | 28       |       | 30     |                              |  |          |       |        |   |
|  | 29       |       | 31     |                              |  | 3        |       | 3      |   |
|  | 30       |       | 32     |                              |  | 4        |       | 4      |   |
|  | 31       | 2     | 33     |                              |  | 5        |       | 5      |   |
|  | 32       |       | 34     |                              |  | 6        |       | 6      |   |
|  | 33       |       | 35     |                              |  | 7        |       |        |   |
|  | 34       |       | 36     |                              |  | 8        |       |        |   |
|  | 35       |       | 37     |                              |  | 9        |       | 7      |   |
|  | 36       |       | 38     |                              |  | 10       |       | 8      |   |
|  | 37       |       | 39     |                              |  | 11       |       |        |   |
|  | 38       |       | 40     |                              |  | 12       |       | 10     |   |
|  | Form A   |       | Form A |                              |  | 13       |       | 11     |   |
|  | " B      |       | " B    |                              |  | 14       |       |        |   |
|  |          |       |        |                              |  | 15       |       |        |   |
|  |          |       |        |                              |  | 16       |       | 13     |   |
| 22                                     | 1        | 78    | 1      |                              |  | 17       |       | 14     |   |
|  | 2        |       | 2      |                              |  | 18       |       | 28     |   |
|  |          |       |        |                              |  | 19       |       | 15     |   |
|  | 1        |       | 1      |                              |  | 20       |       | 16     |   |
|  | 2        |       | 2      |                              |  | 21       |       | 17     |   |
|  | 3        |       | 3      |                              |  | 22       |       | 19     |   |
|  | 4        |       | 4      |                              |  | 23       |       | 20     |   |
|  | 5        |       | 5      |                              |  | 24       |       | 21     |   |
|  | 6        |       | 6      |                              |  | 25       |       | 22     |   |
|  |          |       |        |                              |  | 26       |       | 23     | Repeals cap. 19, R.O.; No. 22, 1889; No. 23, 1891-92; No. 11, 1894; No. 3, 1896.  |
|  | 3        |       | 3      |                              |  | 27       |       | 24     |   |
|  | 4        |       | 4      |                              |  | 28       |       | 18     |   |
|  |          | 2     |        |                              |  | 29       |       | 25     |   |
|  | 5        |       | 5      |                              |  | 30       |       | 26     |   |
|  | 6        |       | 6      |                              |  | 31       |       | 27     |   |
|  |          | 2     |        |                              |  | 32       |       |        |   |
|  | 7        |       | 7      |                              |  |          |       |        |   |
|  | 8        |       | 8      |                              |  |          |       |        |   |
|  | 9        |       | 9      |                              |  |          |       |        |   |
|  | 10       |       | 10     |                              |  |          |       |        |   |

## SCHEDULE I.—Continued.

| ORDINANCES OF 1897.—Continued. |              |       |      |   | ORDINANCES OF 1897.—Continued. |          |       |          |                                  |
|--------------------------------|--------------|-------|------|---|--------------------------------|----------|-------|----------|----------------------------------|
| Ordinance.                     | Section.     | CONS. |      | REMARKS.                                    | Ordinance.                     | Section. | CONS. |          | REMARKS.                         |
|                                |              | Cap.  | Sec. |   |                                |          | Cap.  | Sec.     |                                  |
| 23                             | 33<br>Form A | 76    |      | Expired.<br>Repealed 1898, No.<br>31, s. 5. | 27                             | 11       | 19    | 7        |                                  |
|                                | " B          |       |      |   |                                | 12       |       | 8        |                                  |
|                                | " C          |       |      |   |                                | 13       |       | 19       |                                  |
|                                | " D          |       |      |   |                                | 14       |       | 9        |                                  |
|                                |              |       |      |   |                                |          | 2     |          | 2                                |
|                                |              |       |      |   |                                |          | 3     |          | 3                                |
|                                |              |       |      |   |                                | 15       |       | 10       |                                  |
|                                |              |       |      |   |                                | 16       |       | 18       |                                  |
| 24                             |              |       |      | Repealed 1898, No.<br>38, s. 13.            |                                | 17       |       | 22       |                                  |
|                                |              |       |      |   |                                | 18       |       | 23       |                                  |
| 25                             | 1            | 85    | 2    |   |                                | 19       |       | 27       |                                  |
|                                | 2            |       | 3    |   |                                | 20       |       | 11       |                                  |
|                                | 3            |       | 4    |   |                                | 21       |       | 12       |                                  |
|                                | 4            |       | 5    |   |                                | 22       |       | 13       |                                  |
|                                | 5            |       |      |   |                                | 23       |       | 15       |                                  |
|                                | a            |       |      |   |                                | 24       |       | 14       |                                  |
|                                | b            |       | 8    |   |                                | 25       |       | 20       |                                  |
|                                | c            |       |      |   |                                | 26       |       | 17       |                                  |
|                                | 6            |       |      | Unnecessary.                                |                                | 27       |       | 26       |                                  |
|                                | 7            |       | 1    |   |                                | 28       |       |          | Unnecessary.                     |
|                                |              |       |      |   |                                | 29       |       |          | Repealed 1898, No.<br>11, s. 13. |
| 26                             | 1            |       | 2    |   |                                | 30       |       |          | Repeals 1892, No. 31.            |
|                                | 2            | 2     |      |   |                                | Form A   |       | Sched. 1 |                                  |
|                                | 3            |       |      |   |                                | " B      |       | " "      |                                  |
|                                | 4            | 2     |      |   |                                | Sched. C |       | Sched. 2 |                                  |
|                                | 5            |       | 2    |   |                                |          |       |          |                                  |
|                                | 6            |       | 10   |   |                                |          |       |          |                                  |
|                                | 7            |       | 13   |   |                                |          |       |          |                                  |
|                                |              |       | 16   |   |                                |          |       |          |                                  |
|                                |              |       |      | Repealed 1898, No.<br>40, s. 4.             | 28                             | 1        | 15    | 2        |                                  |
|                                |              |       |      |   |                                | 2        |       | 3        |                                  |
|                                |              |       |      |   |                                | 3        |       |          |                                  |
|                                |              |       |      |   |                                | 4        |       | 5        |                                  |
|                                |              |       |      |   |                                | 5        |       | 6        |                                  |
|                                |              |       |      |   |                                | 6        |       | 7        |                                  |
|                                |              |       |      |   |                                | 7        |       | 12       |                                  |
|                                |              |       |      |   |                                | 8        |       | 15       |                                  |
|                                |              |       |      |   |                                | 9        |       | 17       |                                  |
|                                |              |       |      |   |                                | 10       |       | 16       |                                  |
| 27                             | 1            | 19    | 1    |   |                                |          |       |          |                                  |
|                                | 2            |       | 2    |   |                                |          |       |          |                                  |
|                                | a            |       |      |   |                                |          |       |          |                                  |
|                                | b            |       |      |   |                                |          |       |          |                                  |
|                                | c            |       |      |   |                                |          |       |          |                                  |
|                                | d            |       |      |   |                                |          |       |          |                                  |
|                                | e            |       |      |   |                                |          |       |          |                                  |
|                                | 3            |       | 3    |   |                                |          |       |          |                                  |
|                                | a            |       |      |   |                                |          |       |          |                                  |
|                                | b            |       |      |   |                                |          |       |          |                                  |
|                                | c            |       |      |   |                                |          |       |          |                                  |
|                                | d            |       |      |   |                                |          |       |          |                                  |
|                                | e            |       |      |   |                                |          |       |          |                                  |
|                                | f            |       |      |   |                                |          |       |          |                                  |
|                                | g            |       |      |   |                                |          |       |          |                                  |
|                                | 2            |       |      |   |                                |          |       |          |                                  |
|                                | 4            |       | 4    |   |                                |          |       |          |                                  |
|                                | 5            |       |      |   |                                |          |       |          |                                  |
|                                | 6            |       | 5    |   |                                |          |       |          |                                  |
|                                | 7            |       | 16   |   |                                |          |       |          |                                  |
|                                | 8            |       | 21   |   |                                |          |       |          |                                  |
|                                | 9            |       | 25   |   |                                |          |       |          |                                  |
|                                | 10           |       | 24   |   |                                |          |       |          |                                  |
|                                |              |       | 6    |   |                                |          |       |          |                                  |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1897.— <i>Continued.</i> |          |       |      |   | ORDINANCES OF 1897.— <i>Continued.</i> |          |       |        |   |
|--|----------|-------|------|---|--|----------|-------|--------|---|
| Ordinance.                             | Section. | CONS. |      | REMARKS.  | Ordinance.                             | Section. | CONS. |        | REMARKS.  |
|  |          | Cap.  | Sec. |   |  |          | Cap.  | Sec.   |   |
| 29                                     | 20       | 18    | 11   | Repeals cap. 28, R.O.;<br>No. 11 of 1892.<br>Repealed 1898, No.<br>10, s. 29. | 34                                     | 25       | 14    |        | Repeals No. 6 of 1888;<br>No. 7 of 1889; No.<br>5 of 1890; No. 15<br>of 1892. |
|  | 21       |       | 22   |   |  |          |       |        |   |
|  | 22       |       |      |   |  |          |       |        |   |
| 30                                     |          |       |      |   |  |          |       |        |   |
| 31                                     | 1        | 32    | 1    | Unrepealed and not<br>consolidated.   |  | Sched A  |       | Form A |   |
|  | 2        |       | 2    |   |  | " B      |       | " B    |   |
|  | 3        |       | 3    |   |  | " C      |       | " C    |   |
|  | 4        |       | 4    |   |  | " D      |       | " D    |   |
|  | 5        |       | 5    |   |  | " E      |       | " E    |   |
| 32                                     | 1        | 63    | 1    |   | 35                                     | 1        | 46    | 2      |   |
|  | 2        |       |      |   |  | 2        |       | 3      |   |
|  |          |       |      |   |  | 3        |       | 6      |   |
|  | 3        |       | 2    |   |  | 4        |       | 7      |   |
|  |          |       |      |   |  | 5        |       | 12     |   |
|  |          | 2     |      |   |  |          | 2     |        | 2   |
|  | 4        | 3     |      |   |  | 6        |       | 13     |   |
|  |          |       | 2    |   |  | 7        |       | 14     |   |
|  |          |       | 3    |   |  | 8        |       | 15     |   |
| 33                                     | 1        | 64    | 1    |   |  | 9        |       | Form A | Repealed 1897, No.<br>35, s. 9.   |
|  | 2        |       | 2    |   |  | Form A   |       |        |   |
|  | 3        |       | 3    |   | 36                                     | 1        | 32    | 1      |   |
|  | 4        |       | 4    |   |  | 2        |       | 2      |   |
|  | 5        |       | 5    |   |  | 3        |       | 3      |   |
|  | 6        |       | 6    |   |  | 4        |       | 4      |   |
|  | 7        |       | 7    |   |  | 5        |       | 5      |   |
|  | 8        |       |      |   |  |          | 2     |        | 2   |
| 34                                     | 1        | 14    | 1    | Unnecessary.  |  | 6        |       | 6      |   |
|  | 2        |       | 2    |   |  | 7        |       | 7      |   |
|  |          | 1     |      |   |  | 8        |       | 8      |   |
|  |          | 2     |      |   |  | 9        |       | 9      |   |
|  |          | 3     |      |   |  |          | 2     |        | 2   |
|  | 3        |       | 3    |   |  |          | 3     |        | 3   |
|  | 4        |       | 4    |   | 10                                     |          | 10    |        |   |
|  | 5        |       | 5    |   |  | 2        |       | 2      |   |
|  | 6        |       | 6    |   |  | 3        |       | 3      |   |
|  | 7        |       | 7    |   |  | 4        |       | 4      |   |
|  | 8        |       | 8    |   |  | 5        |       | 5      |   |
|  | 9        |       | 9    |   |  | 6        |       | 6      |   |
|  | 10       |       | 10   |   |  | 7        |       | 7      |   |
|  | 11       |       | 11   |   |  |          |       |        |   |
|  | 12       |       | 12   |   | 11                                     |          |       |        | Repealed, 1898, No.<br>15, s. 1.  |
|  | 13       |       | 13   |   | 12                                     |          |       |        | Repealed 1898, No<br>15, s. 2.  |
|  | 14       |       | 14   |   |  |          | 13    |        |   |
|  | 15       |       | 15   |   | 13                                     |          |       |        | Repealed 1898, No.<br>15, s. 4.   |
|  | 16       |       | 16   |   | 14                                     |          |       |        | Repealed 1898, No.<br>15, s. 4.   |
|  | 17       |       | 17   |   | 15                                     |          |       |        | Repealed 1898, No.<br>15, s. 4.   |
|  | 18       |       | 18   |   |  |          | 16    |        |   |
|  | 19       |       | 19   |   | 16                                     |          |       |        | Repealed 1898, No.<br>15, s. 6.   |
|  | 20       |       | 20   |   | 17                                     |          |       |        |   |
|  | 21       |       | 21   |   |  |          | 18    |        |   |
|  | 22       |       | 22   |   |  |          |       |        |   |
|  | 23       |       | 23   |   |  |          |       |        |   |
|  | 24       |       |      |   | 18                                     |          |       |        |   |

## SCHEDULE I.—Continued.

| ORDINANCES OF 1897.---Continued. |                |       |      |   | ORDINANCES OF 1897.---Continued. |   |       |      |                                 |
|----------------------------------|----------------|-------|------|---|----------------------------------|---|-------|------|---------------------------------|
| Ordinance.                       | Section.       | CONS. |      | REMARKS.  | Ordinance.                       | Section.  | CONS. |      | REMARKS.                        |
|                                  |                | Cap.  | Sec. |   |                                  |   | Cap.  | Sec. |                                 |
| 36                               | 19<br>Sched. A |       |      | Repeals No. 14 of 1889; No. 4 of 1890. Repealed 1898, No. 15, s. 7. | 38                               | 8 1 { 22 8<br>23 23<br>2  |       |      | Repeals s. 12 of No. 6 of 1893. |
| 37                               |                |       |      | Repealed 1898, No. 39, s. 16.                                       |                                  | 3 { 22 10<br>23 25<br>22 13<br>4 { 23 26<br>23 26<br>5 22 14<br>6 { 22 15<br>23 32<br>7 22 16<br>9 { 22 12<br>23 31<br>1 { 22 12<br>23 31<br>10 { 22 17<br>2 20<br>3 21<br>4 { 22 22<br>24 24<br>6 { 26 26<br>27 27<br>28 28<br>11 { 23 2<br>2 3<br>2 6<br>3 7<br>4 { 23 30<br>22 11<br>1 { 23 30<br>22 11<br>2 { 24 2<br>25 2<br>26 2<br>1 { 2 3<br>3 { 3<br>4 { 27 3<br>16 { 27 3<br>17 { 14, s. 1.<br>Repeals cap. 53, R.O.<br>18 { 35 16<br>19 { 36 16<br>1 { 1<br>2 { 2<br>3 { 3<br>4 { 4<br>Repeals 1895, No. 16, s. 3. | 2     |      |                                 |
| 38                               | 1<br>2         | 1     | 2    | Unnecessary.  |                                  |   |       |      |                                 |
|                                  | 2              | 1     | 2    |   |                                  |   |       |      |                                 |
|                                  | 3              | 2     | 3    |   |                                  |   |       |      |                                 |
|                                  | 4              | 3     | 4    |   |                                  |   |       |      |                                 |
|                                  | 5              | 4     | 5    |   |                                  |   |       |      |                                 |
|                                  | 6              | 5     | 6    |   |                                  |   |       |      |                                 |
|                                  | 7              | 6     | 7    |   |                                  |   |       |      |                                 |
|                                  | 8              | 7     | 8    |   |                                  |   |       |      |                                 |
|                                  | 9              | 8     | 9    |   |                                  |   |       |      |                                 |
|                                  | 10             | 9     | 10   |   |                                  |   |       |      |                                 |
|                                  | 11             | 10    | 11   |   |                                  |   |       |      |                                 |
|                                  | 12             | 11    | 12   |   |                                  |   |       |      |                                 |
|                                  | 13             | 12    | 13   |   |                                  |   |       |      |                                 |
|                                  | 14             | 13    | 14   |   |                                  |   |       |      |                                 |
|                                  | 15             | 14    | 15   |   |                                  |   |       |      |                                 |
|                                  | 3              | 15    | 3    |   |                                  |   |       |      |                                 |
|                                  | 1              | 16    | 1    |   |                                  |   |       |      |                                 |
|                                  | 2              | 17    | 2    |   |                                  |   |       |      |                                 |
|                                  | 3              | 18    | 3    |   |                                  |   |       |      |                                 |
|                                  | 4              | 19    | 4    |   |                                  |   |       |      |                                 |
|                                  | 5              | 20    | 5    |   |                                  |   |       |      |                                 |
|                                  | 6              | 21    | 6    |   |                                  |   |       |      |                                 |
|                                  | 7              | 22    | 7    |   |                                  |   |       |      |                                 |
|                                  | 8              | 23    | 8    |   |                                  |   |       |      |                                 |
|                                  | 9              | 24    | 9    |   |                                  |   |       |      |                                 |
|                                  | 10             | 25    | 10   |   |                                  |   |       |      |                                 |
|                                  | 11             | 26    | 11   |   |                                  |   |       |      |                                 |
|                                  | 12             | 27    | 12   |   |                                  |   |       |      |                                 |
|                                  | 13             | 28    | 13   |   |                                  |   |       |      |                                 |
|                                  | 4              | 29    | 4    |   |                                  |   |       |      |                                 |
|                                  | 5              | 30    | 5    |   |                                  |   |       |      |                                 |
|                                  | 6              | 31    | 6    |   |                                  |   |       |      |                                 |
|                                  | 7              | 32    | 7    |   |                                  |   |       |      |                                 |
|                                  | 8              | 33    | 8    |   |                                  |   |       |      |                                 |
|                                  | 9              | 34    | 9    |   |                                  |   |       |      |                                 |
|                                  | 10             | 35    | 10   |   |                                  |   |       |      |                                 |
|                                  | 11             | 36    | 11   |   |                                  |   |       |      |                                 |
|                                  | 12             | 37    | 12   |   |                                  |   |       |      |                                 |
|                                  | 13             | 38    | 13   |   |                                  |   |       |      |                                 |
|                                  | 4              | 39    | 4    |   |                                  |   |       |      |                                 |
|                                  | 5              | 40    | 5    |   |                                  |   |       |      |                                 |
|                                  | 6              | 41    | 6    |   |                                  |   |       |      |                                 |
|                                  | 7              | 42    | 7    |   |                                  |   |       |      |                                 |
|                                  | 8              | 43    | 8    |   |                                  |   |       |      |                                 |
|                                  | 9              | 44    | 9    |   |                                  |   |       |      |                                 |
|                                  | 10             | 45    | 10   |   |                                  |   |       |      |                                 |
|                                  | 11             | 46    | 11   |   |                                  |   |       |      |                                 |
|                                  | 12             | 47    | 12   |   |                                  |   |       |      |                                 |
|                                  | 13             | 48    | 13   |   |                                  |   |       |      |                                 |
|                                  | 4              | 49    | 4    |   |                                  |   |       |      |                                 |
|                                  | 5              | 50    | 5    |   |                                  |   |       |      |                                 |
|                                  | 6              | 51    | 6    |   |                                  |   |       |      |                                 |
|                                  | 7              | 52    | 7    |   |                                  |   |       |      |                                 |
|                                  | 8              | 53    | 8    |   |                                  |   |       |      |                                 |
|                                  | 9              | 54    | 9    |   |                                  |   |       |      |                                 |
|                                  | 10             | 55    | 10   |   |                                  |   |       |      |                                 |
|                                  | 11             | 56    | 11   |   |                                  |   |       |      |                                 |
|                                  | 12             | 57    | 12   |   |                                  |   |       |      |                                 |
|                                  | 13             | 58    | 13   |   |                                  |   |       |      |                                 |
|                                  | 4              | 59    | 4    |   |                                  |   |       |      |                                 |
|                                  | 5              | 60    | 5    |   |                                  |   |       |      |                                 |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1897.— <i>Continued.</i> |          |       |         |  | ORDINANCES OF 1897.— <i>Continued.</i> |          |       |           |  |
|--|----------|-------|---------|--|--|----------|-------|-----------|--|
| Ordinance.                             | Section. | CONS. |         | REMARKS.   | Ordinance.                             | Section. | CONS. |           | REMARKS.   |
|  |          | Cap.  | Sec.    |  |  |          | Cap.  | Sec.      |  |
| 38                                     | 19       | 536   | 3       | Repeals 1896, No. 10,<br>s. 22.  | 38                                     | 34       | 161   | 5         | Repeals ss.13, 14 and<br>15, cap. 30, R.O.                         |
|  | 20       | 6     | 4       |  |  |          | 2     | 10        |  |
|  | 21       | 42    |         |  |  |          | 3     |           |  |
|  | 22       | 2     | 2       |  |  |          | 4     | 13 and 14 |  |
|  |          | 43    |         | Repealed 1898, No.<br>40, s. 7.  |  |          | 5     | 17        | Repeals s. 112, c. 30,<br>R.O.                                     |
|  | 1        |       |         |  |  |          | 6     | 19        |  |
|  | 2        |       | 3       |  |  |          | 7     | 20        |  |
|  | 3        |       | 11      |  |  |          | 8     | 26        |  |
|  | 4        |       | 30      | See cap. 22, s. 21.<br>Repealed 1898, No.<br>6, s. 2.                  |  |          | 9     | 26        |  |
|  | 5        |       | 23      |  |  |          | 10    | 27        |  |
|  | 6        |       | 31      |  |  |          | 11    | 32        |  |
|  | 7        |       |         |  |  |          | 12    | 36        |  |
|  | 8        |       |         | Repeals cap. 34, R.O.<br>Repealed 1898, No.<br>21, s. 64.              |  |          | 13    | 80        |  |
| 23                                     |          | 45    | 9       |  |  |          | 14    | 85        |  |
| 24                                     |          |       |         |  |  |          | 15    | 105       |  |
| 25                                     |          |       |         |  |  |          | 16    | 106       |  |
| 26                                     |          | 52    |         | Repeals 1888, No. 5,<br>s. 53.<br>Repealed 1898, No.<br>22, s. 7.      |  |          | 17    | 108       |  |
|  | 1        |       | 16      |  |  |          | 18    | Sched.    |  |
|  | 2        |       | 57      |  | 35                                     |          | 19    | 65        |  |
|  | 3        |       | 58      |  |  |          | 20    |           |  |
|  | 4        |       |         | Repeals 1895, No. 12,<br>s. 2 (b).<br>Repeals 1895, No. 12,<br>s. 5.   |  |          | 1     | 1         | Repeals 1890, No. 17,<br>s. 13.<br>Repeals 1890, No. 17<br>Form B. |
|  | 5        |       |         |  |  |          | 2     | 2         |  |
|  | 6        |       | 68      |  |  |          | 3     | 3         |  |
| 27                                     |          | 54    |         |  |  |          | 4     | 7         |  |
|  | 1        |       | 25      | Repeals 1890, No. 17,<br>s. 13.<br>Repeals 1890, No. 17<br>Form B.     |  |          | 5     | 8         |  |
|  | 2        |       | 32      |  |  |          | 6     | 9         |  |
|  | 3        |       | 34      |  |  |          | 7     | 16        |  |
| 28                                     |          | 55    |         |  |  |          | 8     | 17        |  |
|  | 1        |       | I       | Repeals 1890, No. 17,<br>s. 13.<br>Repeals 1890, No. 17<br>Form B.     |  |          | 9     | 20        |  |
|  | 2        |       |         |  | 36                                     |          | 65    |           |  |
|  | 3        |       |         |  |  |          | 1     | 23        |  |
| 29                                     |          | 58    |         |  |  |          | 2     | 24        |  |
|  | 1        |       | 1       | Repeals 1895, No. 12,<br>s. 2 (b).<br>Repeals 1895, No. 12,<br>s. 5.   | 37                                     |          | 67    |           |  |
|  | 2        |       | 4       |  |  |          | 1     | 2         | Repeals 1890, No. 17,<br>s. 13.<br>Repeals 1890, No. 17<br>Form B. |
|  | 3        |       | 3 and 5 |  |  |          | 2     | 3         |  |
| 30                                     |          | 59    |         |  |  |          | 3     | 4         |  |
|  | 1        |       | 18      |  |  |          | 4     | 6         |  |
|  | 2        |       |         | Repeals s. 18 (2), cap.<br>48, R.O.<br>Repealed 1898, No.<br>40, s. 3. |  |          | 5     | 7         |  |
|  |          |       |         |  |  |          | 6     | 11        |  |
|  |          |       |         |  |  |          | 7     | 12        |  |
|  |          |       |         |  |  |          | 8     |           |  |
| 31                                     |          |       |         | Unrepealed.<br>Unrepealed.<br>Unrepealed.                              |  |          | 9     |           |  |
| 32                                     |          |       |         |  | 38                                     |          | 68    | 3         |  |
|  | 1        |       |         |  |  |          | 1     |           | Repeals 1890, No. 17,<br>s. 13.<br>Repeals 1890, No. 17<br>Form B. |
|  | 2        |       |         |  |  |          | 2     | 3         |  |
|  | 3        | 73    | 3       | Unrepealed.  |  |          | 3     | 4         |  |
|  | 4        |       |         |  | 39                                     |          | 69    |           |  |
| 33                                     |          | 43    |         |  |  |          | 1     | 2         |  |
| 34                                     |          | 61    | 2       |  |  |          | 2     | 3         |  |
|  |          |       | 2       |  |  |          | 3     | 9         |  |
|  |          |       |         |  |  |          | 4     | 10        |  |
|  |          |       |         |  |  |          | 5     | 13        |  |
|  |          |       |         |  |  |          | 6     | 14        |  |

SCHEDULE I.—Continued.

| ORDINANCES OF 1897.---Continued. |          |       |         |   | ORDINANCES OF 1897.---Continued. |          |       |        |                                       |
|----------------------------------|----------|-------|---------|---|----------------------------------|----------|-------|--------|---------------------------------------|
| Ordinance.                       | Section. | CONS. |         | REMARKS.                                  | Ordinance.                       | Section. | CONS. |        | REMARKS.                              |
|                                  |          | Cap.  | Sec.    |   |                                  |          | Cap.  | Sec.   |                                       |
| 38                               | 39       | 69    |         |   | 38                               | 51       | 16    |        |                                       |
|                                  |          | 7     | 15      |   |                                  |          | 13    | 36     |                                       |
|                                  |          | 8     | 17      |   |                                  | 52       |       |        | Repeals cap. 44, R.O.                 |
|                                  | 40       | 71    |         | Unnecessary.                              |                                  | 53       | 50    |        |                                       |
|                                  |          | 1     | 1       |   |                                  |          | 1     | 3      |                                       |
|                                  |          | 2     | 2       |   |                                  |          | 2     | 6      |                                       |
|                                  |          | 3     |         |   |                                  | 54       | 74    |        |                                       |
|                                  |          | 4     |         |   |                                  |          | 1     | 3      |                                       |
|                                  |          | 5     |         |   |                                  |          | 2     | 4      |                                       |
|                                  |          | 6     |         |   |                                  |          | 3     | 5      |                                       |
|                                  |          | 7     |         |   |                                  |          | 4     | 7      |                                       |
|                                  | 41       |       |         | Repeals 1895, No. 27,<br>s. 4.            |                                  |          | 5     | 17     |                                       |
|                                  |          |       |         | Repeals 1891-92, No.<br>16; 1892, No. 16. |                                  |          | 6     | 18     |                                       |
|                                  | 42       | 82    |         |   |                                  |          | 7     | 19     |                                       |
|                                  |          |       |         |   |                                  |          | 8     | Form A |                                       |
|                                  | 43       | 83    | 1       |   |                                  | 55       | 89    | 125    |                                       |
|                                  |          | 1     | 1       |   |                                  | 56       | 77    |        |                                       |
|                                  |          | 2     | 2       |   |                                  |          | 1     | 1      |                                       |
|                                  | 44       |       |         | Repeals 1891-92, No.<br>27; 1892, No. 4.  |                                  |          | 2     | 2      |                                       |
|                                  |          |       |         |   |                                  |          | 3     | 3      |                                       |
|                                  |          |       |         |   |                                  |          | 4     | 3      | 4                                     |
|                                  | 45       | 86    |         |   |                                  |          | 5     | 4      |                                       |
|                                  |          | 1     | 1       | Repeals s. 4, cap. 22,<br>R.O.            |                                  |          | 6     | 5      |                                       |
|                                  |          | 2     |         | Repeals cap. 27, R.O.                     |                                  |          | 7     | 7      |                                       |
|                                  | 46       |       |         |   |                                  |          | 8     | 9      |                                       |
|                                  | 47       | 90    |         |   |                                  | 57       |       |        | Repeals 1894, No. 12                  |
|                                  |          | 1     | 2       |   |                                  | 58       |       |        | Unnecessary.                          |
|                                  |          | 2     | 3       |   |                                  |          |       |        |                                       |
|                                  |          | 3     | 5       |   | 39                               | 1        | 44    | 1      |                                       |
|                                  | 48       |       |         | Repeals 1892, No. 35.                     |                                  | 2        |       | 2      |                                       |
|                                  | 49       |       |         | Repeals cap. 5, R.O.                      |                                  | 3        |       | 3      |                                       |
|                                  | 50       | 13    |         |   |                                  | 4        |       | 4      |                                       |
|                                  |          |       |         |   |                                  | 5        |       | 5      |                                       |
|                                  |          | 1     | 6       | Repealed 1898, No.<br>7, s. 2.            |                                  | 6        |       | 6      |                                       |
|                                  |          | 2     |         |   |                                  | 7        |       | 7      |                                       |
|                                  |          | 3     | 8       |   |                                  | 8        |       | 8      |                                       |
|                                  |          | 4     |         |   |                                  | 9        |       | 9      |                                       |
|                                  |          | 5     | 3       |   |                                  | 10       |       | 10     |                                       |
|                                  |          | 6     |         |   |                                  | 11       |       |        | Repeals 1889, No. 8;<br>1896, No. 25. |
|                                  |          | 7     | 9       | Repeals s. 16, cap. 4,<br>R.O.            |                                  |          |       |        |                                       |
|                                  |          | 8     |         | Repeals s. 17, cap. 4,<br>R.O.            | 40                               | 1        | 57    | 1      |                                       |
|                                  |          |       |         |   |                                  | 2        |       | 2      |                                       |
|                                  | 51       | 16    |         |   |                                  |          |       |        |                                       |
|                                  |          |       |         |   |                                  | 1        |       | 1      |                                       |
|                                  |          | 1     | 9       |   |                                  | 2        |       | 2      |                                       |
|                                  |          | 2     | 10      |   |                                  | 3        |       | 3      |                                       |
|                                  |          | 3     | 12      |   |                                  |          |       |        |                                       |
|                                  |          | 4     | 13      |   |                                  | 3        |       | 3      |                                       |
|                                  |          | 5     | 14      |   |                                  | 4        |       | 4      |                                       |
|                                  |          | 6     | 17      |   |                                  |          | a     |        | a                                     |
|                                  |          | 7     | 18      |   |                                  |          | b     |        | b                                     |
|                                  |          | 8     | 20      |   |                                  |          | c     |        | c                                     |
|                                  |          | 9     | 22      |   |                                  |          | d     |        | d                                     |
|                                  |          | 10    | 23      |   |                                  | 5        |       | 5      |                                       |
|                                  |          | 11    | 26      |   |                                  |          | a     |        | a                                     |
|                                  |          | 12    | 30      |   |                                  |          | b     |        | b                                     |
|                                  |          |       | Rule 31 |   |                                  |          | c     |        | c                                     |
|                                  |          |       |         |   |                                  | 6        |       | 6      |                                       |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1897.— <i>Continued.</i> |             |          |             |  | ORDINANCES OF 1898.— <i>Continued.</i> |             |       |               |                   |
|--|-------------|----------|-------------|--|--|-------------|-------|---------------|-------------------|
| Ordinance.                             | Section.    | CONS.    |             | REMARKS.   | Ordinance.                             | Section.    | CONS. |               | REMARKS.          |
|  |             | Cap.     | Sec.        |  |  |             | Cap.  | Sec.          |                   |
| 40                                     | 7<br>8<br>9 | 57       | 7<br>8      | Repeals cap. 32, R.<br>O.; 1892, No. 30.               | 2                                      | 8           | 1     | 8 50          |                   |
|  |             |          |             |  | 3                                      | 1           | 2     | 1             |                   |
|  |             |          |             |  |  | Schd. A.    |       | Sched. 1      |                   |
| 41                                     | 1<br>2<br>3 | 53       | 1<br>2<br>3 |  | 4                                      | 1<br>2<br>3 | 3     | 7<br>10<br>11 | 3<br>3            |
|  | 4           | 2        | 4 2         |  |  | 4           |       | 26            |                   |
|  | 5           | 2        | 5 2         |  |  | 5           |       | 28            |                   |
|  | 6           |          | 6           |  |  | 6           |       | 40            |                   |
|  |             | <i>a</i> | <i>a</i>    |  |  | 7           |       | 48            |                   |
|  |             | <i>b</i> | <i>b</i>    |  |  | 8           |       | 49            |                   |
|  |             | <i>c</i> | <i>c</i>    |  |  | 9           |       | 51            |                   |
|  |             | <i>d</i> | <i>d</i>    |  |  | 10          |       | 52            |                   |
|  |             | <i>e</i> | <i>e</i>    |  |  | 11          |       | 57            |                   |
|  | 7           |          | 7           |  |  | 12          |       | 60            |                   |
|  | 8           |          | 8           |  |  | 13          |       | 61            | 2                 |
|  | 9           |          | 9           |  |  | 14          |       | 62            |                   |
|  | 10          |          | 10          |  |  | 15          |       | 64            |                   |
|  |             | <i>a</i> | <i>a</i>    |  |  | 16          |       | 72            |                   |
|  |             | <i>b</i> | <i>b</i>    |  |  | 17          |       | 74            |                   |
|  |             | <i>c</i> | <i>c</i>    |  |  | 18          |       | 75            |                   |
|  |             | <i>d</i> | <i>d</i>    |  |  | 19          |       | 76            |                   |
|  |             | <i>e</i> | <i>e</i>    |  |  | 20          |       | 92            |                   |
|  | 11          |          | 11          |  |  | 21          |       | 94            |                   |
|  | 12          |          | 12          |  |  | 22          |       | 123           |                   |
|  | 13          |          | 13          |  |  | 23          |       | 127           |                   |
|  | 14          |          | 14          |  |  | 24          |       | 132           |                   |
|  | 15          |          |             | Repeals 1892, No. 6;<br>1893, No. 20; 1896,<br>No. 15. |  | 25          |       | Sched. 1      |                   |
|  |             |          |             |  |  | 26          |       | " "           |                   |
|  |             |          |             |  |  | 27          |       | Form L        |                   |
| 42                                     |             |          |             | Unrepealed.  | 5                                      | 1           | 11    | 2             |                   |
| 43                                     |             |          |             | Unrepealed.  | 6                                      | 1           | 12    | 3             | Repealing clause. |
| 44                                     |             |          |             | Unrepealed.  |  | 2           |       |               |                   |
|  |             |          |             |  | 7                                      | 1           | 13    | 6             |                   |
|  |             |          |             |  |  | 2           |       |               | Repealing clause. |
|  |             |          |             |  |  | 3           |       | 8             | 3                 |
| ORDINANCES OF 1898.                    |             |          |             |  | 8                                      | 1           | 15    | 8             |                   |
| 2                                      | 1           | 1        | 8 10        |  |  | 2           |       | 13            |                   |
|  | 2           |          | 25          |  |  | 3           |       | 16            |                   |
|  | 3           |          | 28          |  |  |             |       |               |                   |
|  | 4           |          | 48          |  | 9                                      | 1           | 16    | 1             |                   |
|  | 5           |          | 49          |  |  | 2           |       | 2             |                   |
|  | 6           | <i>a</i> | 23          |  |  | 3           |       | 3             |                   |
|  |             | <i>b</i> | 44          |  |  | 4           |       | 5             |                   |
|  |             | <i>c</i> | 57          |  |  | 5           |       | 6             |                   |
|  |             | <i>d</i> | 51          |  |  | 6           |       | 7             |                   |
|  |             | <i>e</i> | 59          |  |  | 7           |       | 8             |                   |
|  |             | <i>f</i> | 58          |  |  | 8           |       | 9             |                   |
|  |             |          |             |  |  | 9           |       | 10            |                   |
|  |             |          |             |  |  | 10          |       | 11            |                   |
|  |             |          |             |  |  | 11          |       | 12            |                   |
|  |             |          |             |  |  | 12          |       | 13            |                   |



## SCHEDULE I.—Continued.

| ORDINANCES OF 1898.---Continued. |          |        |      |                    | ORDINANCES OF 1898.---Continued. |          |       |            |                    |
|----------------------------------|----------|--------|------|--------------------|----------------------------------|----------|-------|------------|--------------------|
| Ordinance.                       | Section. | CONS.  |      | REMARKS.           | Ordinance.                       | Section. | CONS. |            | REMARKS.           |
|                                  |          | Cap.   | Sec. |                    |                                  |          | Cap.  | Sec.       |                    |
| 9                                | 13       | 16     | 15   |                    | 10                               | 22       | 17    | 22         |                    |
|                                  | 14       |        | 16   |                    |                                  | 23       |       | 23         |                    |
|                                  | 15       |        | 17   |                    |                                  | 24       |       | 24         |                    |
|                                  | 16       |        | 18   |                    |                                  | 25       |       | 25         |                    |
|                                  | 17       |        | 19   |                    |                                  | 26       |       | 26         |                    |
|                                  | 18       |        | 20   |                    |                                  | 27       |       | 27         |                    |
|                                  | 19       |        | 21   |                    |                                  | 28       |       | 28         |                    |
|                                  | 20       |        | 4    |                    |                                  | 29       |       |            | Repealing section. |
|                                  | 21       |        | 14   |                    |                                  | Form A   |       | Form A     |                    |
|                                  | 22       |        | 22   |                    |                                  |          |       |            |                    |
|                                  | 23       |        | 23   |                    |                                  |          |       |            |                    |
|                                  | 24       |        | 24   |                    |                                  |          |       |            |                    |
|                                  | 25       |        | 25   |                    | 11                               | 1        | 19    | 1          |                    |
|                                  | 26       |        | 26   |                    |                                  | 2        |       | 2          |                    |
|                                  | 27       |        | 27   |                    |                                  | 3        |       | 2          |                    |
|                                  | 28       |        | 28   |                    |                                  | 4        |       | 3          |                    |
|                                  | 29       |        | 29   |                    |                                  | 5        |       | 3          |                    |
|                                  | 30       |        | 30   |                    |                                  | 6        |       |            | Repealing clause.  |
|                                  | 31       |        | 31   |                    |                                  | 7        |       | 4          |                    |
|                                  | 32       |        | 32   |                    |                                  | 8        |       | 24         |                    |
|                                  | 33       |        | 33   |                    |                                  | 9        |       | 8          |                    |
|                                  | 34       |        | 34   |                    |                                  | 10       |       | 18         |                    |
|                                  | 35       |        | 35   |                    |                                  | 11       |       | 22         |                    |
|                                  | 36       |        | 36   |                    |                                  | 12       |       | 23         |                    |
|                                  | 37       |        | 37   |                    |                                  | 13       |       |            | Repealing clause.  |
|                                  | 38       |        | 38   |                    |                                  | 14       |       | Sched. 2   |                    |
|                                  | 39       |        | 39   |                    |                                  |          |       |            |                    |
|                                  | 40       |        | 40   |                    | 12                               | 1        |       |            | Repealing clause.  |
|                                  | 41       |        | 41   |                    |                                  | 2        |       |            | Unnecessary.       |
|                                  | 42       |        | 42   |                    |                                  | 3        | 21    | 3          |                    |
|                                  | 43       |        | 43   |                    |                                  | 4        |       | 4          | 2                  |
|                                  | 44       |        | 44   | Unnecessary.       |                                  | 5        |       |            | RULE.              |
|                                  | 45       |        | 45   |                    |                                  | 6        |       | 93         |                    |
|                                  | 46       |        |      | Repealing section. |                                  | 7        |       | 88         |                    |
| Appx. A                          |          | Sched. |      |                    |                                  | 8        |       | 91         |                    |
|                                  |          |        |      |                    |                                  | 9        |       | 94         |                    |
|                                  |          |        |      |                    |                                  | 10       |       | 160        |                    |
| 10                               | 1        | 17     | 1    |                    |                                  | 11       |       |            | Unnecessary.       |
|                                  | 2        |        | 2    |                    |                                  | 12       |       | 596        |                    |
|                                  | 3        |        | 3    |                    |                                  | 13       |       | 302        |                    |
|                                  | 4        |        | 4    |                    |                                  | 14       |       | 311        |                    |
|                                  | 5        |        | 5    |                    |                                  | 15       |       |            | Repealing clause.  |
|                                  | 6        |        | 6    |                    |                                  | 16       |       | 417        |                    |
|                                  | 7        |        | 7    |                    |                                  | 17       |       | 420        |                    |
|                                  | 8        |        | 8    |                    |                                  | 18       |       | 421        |                    |
|                                  | 9        |        | 9    |                    |                                  | 19       |       | 424        |                    |
|                                  | 10       |        | 10   |                    |                                  | 20       |       | 425        |                    |
|                                  | 11       |        | 11   |                    |                                  | 21       |       | 431        |                    |
|                                  | 12       |        | 12   |                    |                                  | 22       |       | 588        |                    |
|                                  | 13       |        | 13   |                    |                                  | 23       |       | 410        |                    |
|                                  | 14       |        | 14   |                    |                                  | 24       |       | 498        |                    |
|                                  | 15       |        | 15   |                    |                                  | 25       | 24    | Sec. 3     |                    |
|                                  | 16       |        | 16   |                    |                                  | 26       | 21    | Form C     |                    |
|                                  | 17       |        | 17   |                    |                                  | 27       |       | " D        |                    |
|                                  | 18       |        | 18   |                    |                                  |          |       | Small debt |                    |
|                                  | 19       |        | 19   |                    |                                  |          |       | Tariff.    |                    |
|                                  | 20       |        | 20   |                    |                                  |          |       |            | Repealing clause.  |
|                                  | 21       |        | 21   |                    |                                  | 28       |       |            |                    |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1898.— <i>Continued.</i> |          |       |  |  | ORDINANCES OF 1898.— <i>Continued.</i> |          |       |      |              |
|--|----------|-------|--|--|--|----------|-------|------|--------------|
| Ordinance.                             | Section. | CONS. |  | REMARKS.   | Ordinance.                             | Section. | CONS. |      | REMARKS.     |
|  |          | Cap.  | Sec.                                       |  |  |          | Cap.  | Sec. |              |
| 12                                     | 29       | 21    | RULE.<br>456<br>457                        | This section merely corrects clerical errors in Ordinance No. 6, 1897. | 18                                     | 1        | 44    | 1    | Unnecessary. |
|  | 30       |       |  |  |  | 2        |       | 2    |              |
|  |          |       |  |  | 19                                     | 1        | 145   | 1    |              |
|  |          |       |  |  |  | 2        |       | 4    |              |
|  |          |       |  |  |  | 3        |       | 6, 7 |              |
|  |          |       |  |  |  | 4        |       | 12   |              |
|  | 31       |       | SEC.<br>21                                 | Repealing clause.  | 20                                     | 1        | 46    | 15   |              |
|  |          |       |  |  |  | 2        |       | 3    |              |
|  | 32       |       | RULE.<br>74                                |  | 21                                     | 1        | 51    | 1    |              |
|  | 33       |       | 75   |  |  | 2        |       | 2    |              |
|  | 34       |       | 78   |  |  |          |       | 3    |              |
|  | 35       |       | 139  |  |  | 3        |       | 5    |              |
|  | 36       |       | 140  |  |  | 4        |       | 6    |              |
|  | 37       |       | 248  |  |  | 5        |       | 7    |              |
|  | 38       |       | 385  |  |  | 6        |       | 8    |              |
|  | 39       |       | Small debt<br>Tariff.<br>(Sh'riff's fees.) |  |  |          | 2     | 10   |              |
|  |          |       |  | Repealing clause.  |  | 7        |       | 9    | Unnecessary. |
|  |          |       |  |  |  | 8        |       | 11   |              |
|  |          |       |  |  |  | 9        |       |      |              |
|  |          |       |  |  |  | 10       |       | 12   |              |
|  |          |       |  |  |  | 11       |       | 13   |              |
|  |          |       |  |  |  | 12       |       | 14   |              |
|  |          |       |  |  |  | 13       |       | 15   |              |
|  |          |       |  |  |  | 14       |       | 16   |              |
|  |          |       |  |  |  | 15       |       | 17   |              |
|  |          |       |  |  |  | 16       |       | 18   |              |
|  | 40       |       | RULE.<br>52                                | Repealing clause.  |  | 17       |       | 19   | Unnecessary. |
|  | 41       |       | 54   |  |  | 18       |       | 20   |              |
|  | 42       |       |  |  |  | 19       |       | 21   |              |
|  | 43       | 22    | 13   |  |  | 20       |       | 22   |              |
|  |          | 23    | 26   |  |  | 21       |       | 23   |              |
|  |          |       |  |  |  | 22       |       | 24   |              |
|  |          |       |  |  |  | 23       |       | 25   |              |
|  |          |       |  |  |  | 24       |       | 26   |              |
|  |          |       |  |  |  | 25       |       | 27   |              |
|  |          |       |  |  |  | 26       |       | 28   |              |
| 13                                     | 1        | 26    | 3  | Repealing clause.  |  | 27       |       | 29   | Unnecessary. |
|  | 2        |       | 3  |  |  | 28       |       | 30   |              |
|  | 3        |       | 4, 5                                       |  |  | 29       |       | 31   |              |
|  | 4        |       |  |  |  | 30       |       | 32   |              |
|  | 5        |       | 13   |  |  | 31       |       | 33   |              |
| 14                                     | 1        | 27    | 5  | Repealing clause.  |  | 32       |       | 34   |              |
|  | 2        |       | 1  |  |  | 33       |       | 35   |              |
|  | 3        |       | 6  |  |  | 34       |       | 36   |              |
|  |          |       |  |  |  | 35       |       | 37   |              |
|  |          |       |  |  |  | 36       |       | 38   |              |
| 15                                     | 1        | 32    | 11   | Repealing clause.  |  | 37       |       | 44   | Unnecessary. |
|  | 2        |       |  |  |  | 38       |       | 37   |              |
|  | 3        |       | 12   |  |  | 39       |       | 38   |              |
|  | 4        |       |  |  |  | 40       |       | 45   |              |
|  | 5        |       | 13   |  |  | 41       |       | 39   |              |
|  | 6        |       |  | Repealing clause.  |  | 42       |       | 40   |              |
|  | 7        |       | Forms A<br>and B                           |  |  | 43       |       | 41   |              |
|  |          |       |  |  |  | 44       |       | 42   |              |
|  |          |       |  |  |  | 45       |       | 43   |              |
|  |          |       |  |  |  |          |       |      |              |
| 16                                     | 1        | 34    | 5  | Repealing clause.  |  |          |       |      | Unnecessary. |
|  | 2        |       | 6  |  |  |          |       |      |              |
|  |          |       |  |  |  |          |       |      |              |
|  |          |       |  |  |  |          |       |      |              |
|  |          |       |  |  |  |          |       |      |              |
| 17                                     | 1        | 138   | 1, 2, 8, 10                                | Repealing clause.  |  |          |       |      |              |
|  |          | 2     | 2  |  |  |          |       |      |              |
|  |          | 3     | 3  |  |  |          |       |      |              |
|  |          |       |  |  |  |          |       |      |              |
|  |          |       |  |  |  |          |       |      |              |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1898. — <i>Continued.</i> |          |       |        |  | ORDINANCES OF 1898.— <i>Continued.</i> |          |        |      |                   |
|---|----------|-------|--------|--|--|----------|--------|------|-------------------|
| Ordinance.                              | Section. | CONS. |        | REMARKS.   | Ordinance.                             | Section. | CONS.  |      | REMARKS.          |
|   |          | Cap.  | Sec.   |  |  |          | Cap.   | Sec. |                   |
| 21                                      | 46       | 51    | 46     | Repealing section.<br>See Order in Council<br>14 Dec., 1898. | 26                                     | 1        | 70     |      |                   |
|   | 47       |       | 47     |  |  | 3        | 3      |      |                   |
|   | 48       |       | 48     |  |  | 4        | 4      |      |                   |
|   | 49       |       | 49     |  |  | 5        | 10     |      |                   |
|   | 50       |       | 50     |  |  | 6        | 19     |      |                   |
|   | 51       |       | 51     |  |  | 7        | 19     | 2    |                   |
|   | 52       |       | 52     |  |  | 8        | 22     |      |                   |
|   | 53       |       | 53     |  |  | 9        | 36     |      |                   |
|   | 54       |       | 54     |  |  | 10       | 40     | 5    |                   |
|   | 55       |       | 55     |  |  | 11       | 40     | 6    |                   |
|   | 56       |       | 56     |  |  | 12       | 43     |      |                   |
|   | 57       |       | 57     |  |  | 13       | 11     |      |                   |
|   | 58       |       | 58     |  |  | 14       | 68     |      |                   |
|   | 59       |       | 59     |  |  | 15       | 56     |      |                   |
|   | 60       |       | 60     |  |  | 16       | 59     |      |                   |
|   | 61       |       | 61     |  |  | 17       | 78     |      |                   |
|   | 62       |       | 62     |  |  | 18       | 85     |      |                   |
|   | 63       |       | 63     |  |  |          | 116    |      |                   |
|   | 64       |       |        |  |  | 19       | 91     |      |                   |
|   | 65       |       |        |  |  | 20       | 95     | 12   |                   |
|   | Form     |       | Form A |  |  | 21       |        | 46   |                   |
|   |          |       |        |  |  | 22       |        | 66   |                   |
|   |          |       |        |  |  | 23       |        | 75   |                   |
| 22                                      | 1        | 52    | 11     |  |  | 24       | 106    |      |                   |
|   | 2        |       | 34     |  |  | 25       | 144    |      |                   |
|   | 3        |       | 29     |  |  | 26       | 147    |      |                   |
|   | 4        |       | 29     |  |  | 27       | 156    |      |                   |
|   | 5        | 2     | 39     |  |  | 28       | 160    |      |                   |
|   |          | 3     | 40     |  |  | 29       | 118    | 2    |                   |
|   |          | 4     | 41     |  |  | 30       | 132    |      |                   |
|   |          | 5     | 42     |  |  | 31       | 135    |      |                   |
|   |          | 6     | 43     |  |  | 32       |        |      | Repealing clause. |
|   |          | 7     | 44     |  |  | 33       | 201    |      |                   |
|   |          | 8     | 45     |  |  | 34       | 210    |      |                   |
|   |          | 9     | 46     |  |  | 35       | 213    |      |                   |
|   |          | 10    | 47     |  |  | 36       | 226    |      |                   |
|   |          | 11    | 48     |  |  | 37       | 227    |      |                   |
|   |          | 12    | 49     |  |  | 38       | 230    |      |                   |
|   |          | 13    | 50     |  |  | 39       | 243    | 3, 4 |                   |
|   | 6        |       | 37     |  |  | 40       |        | 4    |                   |
|   | 7        |       |        | Repealing clause.  |  | 41       | 247    |      |                   |
|   |          |       |        |  |  |          | 248    |      |                   |
| 23                                      | 1        | 56    | 2      |  |  | 42       | 254    |      |                   |
|   |          |       |        |  |  |          | 255    |      |                   |
| 24                                      | 1        | 59    | 5      |  |  | 43       | 277    |      |                   |
|   | 2        |       | 14     |  |  | 44       | 281    |      |                   |
|   | 3        |       | 16     |  |  | 45       | Form G |      |                   |
|   | 4        |       | 18     |  |  |          |        |      |                   |
| 25                                      | 1        | 68    | 7      |  | 27                                     | 1        | 72     | 1    |                   |
|   |          |       | 8      |  |  | 2        |        | 2    |                   |
|   |          |       | 9      |  |  | 3        |        | 3    |                   |
|   | 2        |       |        | Repealing clause.  |  | 4        |        | 4    |                   |
|   | 3        |       | 7      |  |  | 5        |        | 5    |                   |
|   | 4        |       | 8      |  |  | 6        |        | 6    |                   |
|   |          |       |        |  |  | 7        |        | 7    |                   |
|   |          |       |        |  |  | 8        |        | 8    |                   |
| 26                                      | 1        | 170   | 2      | 13   |  | 9        |        | 9    |                   |
|   | 2        |       |        | Repealing clause   |  |          |        |      |                   |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1898.---Continued. |  |        |                      |          | ORDINANCES OF 1898.---Continued. |   |   |  |          |
|----------------------------------|--|--------|----------------------|----------|----------------------------------|---|---|--|----------|
| Ordinance.                       | Section.   | CONS.  |                      | REMARKS. | Ordinance.                       | Section.  | CONS.   |  | REMARKS. |
|                                  |  | Cap.   | Sec.                 |          |                                  |   | Cap.  | Sec.   |          |
| 27                               | 10<br>11<br>12<br>13   | 72     | 10<br>11<br>12<br>13 |          | 28                               | 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20   | 73<br>19<br>21<br>21 2, 3<br><br>31<br>32<br>33<br>34<br>7<br>43<br>1   | Repealing clause.  |          |
|                                  | 14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25<br>26<br>27<br>28<br>29<br>30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49<br>50<br>51 | 2<br>3 | 2<br>3               |          |                                  |   |   |  |          |
|                                  | Form A<br>" B<br>" C   |        | Form A<br>" B<br>" C |          | 29                               | 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25<br>26<br>27<br>28<br>29<br>30<br>31<br>32<br>33<br>34<br>35<br>36<br>37 | 75<br>15<br>33<br>34<br>43<br>45<br>48<br>49<br>41<br>54<br>62<br>63<br>68<br>97<br>102<br>107<br>128<br>131<br><br>132<br>144<br>146<br>149<br>159<br>164<br>165 | 2<br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br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## SCHEDULE I.—Continued.

| ORDINANCES OF 1898.—Continued. |          |       |      | ORDINANCES OF 1898.—Continued. |            |          |        |      |                    |
|--------------------------------|----------|-------|------|--------------------------------|------------|----------|--------|------|--------------------|
| Ordinance.                     | Section. | CONS. |      | REMARKS.                       | Ordinance. | Section. | CONS.  |      | REMARKS.           |
|                                |          | Cap.  | Sec. |                                |            |          | Cap.   | Sec. |                    |
| 30                             | 2        | 74    | 2    |                                | 30         | 59       | 74     | 59   |                    |
|                                | 3        |       | 3    |                                |            | 60       |        | 60   |                    |
|                                | 4        |       | 4    |                                |            | 61       |        | 61   |                    |
|                                | 5        |       | 5    |                                |            | 62       |        | 62   |                    |
|                                | 6        |       | 6    |                                |            | 63       |        | 63   |                    |
|                                | 7        |       | 7    |                                |            | 64       |        | 64   |                    |
|                                | 8        |       | 8    |                                |            | 65       |        | 65   |                    |
|                                | 9        |       | 9    |                                |            | 66       |        | 66   |                    |
|                                | 10       |       | 10   |                                |            | 67       |        | 67   |                    |
|                                | 11       |       | 11   |                                |            | 68       |        | 68   |                    |
|                                | 12       |       | 12   |                                |            | 69       |        | 69   |                    |
|                                | 13       |       | 13   |                                |            | 70       |        | 70   |                    |
|                                | 14       |       | 14   |                                |            | 71       |        | 71   |                    |
|                                | 15       |       | 15   |                                |            | 72       |        | 72   |                    |
|                                | 16       |       | 16   |                                |            | 73       |        | 73   |                    |
|                                | 17       |       | 17   |                                |            | 74       |        | 74   |                    |
|                                | 18       |       | 18   |                                |            | 75       |        | 75   |                    |
|                                | 19       |       | 19   |                                |            | 76       |        | 76   |                    |
|                                | 20       |       | 20   |                                |            | 77       |        | 77   |                    |
|                                | 21       |       | 21   |                                |            | 78       |        | 78   |                    |
|                                | 22       |       | 22   |                                |            | 79       |        | 79   |                    |
|                                | 23       |       | 23   |                                |            | 80       |        | 80   |                    |
|                                | 24       |       | 24   |                                |            | 81       |        | 81   |                    |
|                                | 25       |       | 25   |                                |            | 82       |        | 82   |                    |
|                                | 26       |       | 26   |                                |            | 83       |        | 83   |                    |
|                                | 27       |       | 27   |                                |            | 84       |        | 84   |                    |
|                                | 28       |       | 28   |                                |            | 85       |        |      | Repealing section. |
|                                | 29       |       | 29   |                                | Form A     |          | Form A |      |                    |
|                                | 30       |       | 30   |                                | " B        |          | " D    |      |                    |
|                                | 31       |       | 31   |                                | " C        |          | " B    |      |                    |
|                                | 32       |       | 32   |                                | " D        |          | " C    |      |                    |
|                                | 33       |       | 33   |                                |            |          |        |      |                    |
|                                | 34       |       | 34   |                                | 31         | 1        |        |      | Repealing clause.  |
|                                | 35       |       | 35   |                                |            | 2        | 76     | 2    | 9                  |
|                                | 36       |       | 36   |                                |            | 3        |        | 4    |                    |
|                                | 37       |       | 37   |                                |            | 4        |        |      | Repealing clause.  |
|                                | 38       |       | 38   |                                |            | 5        |        | 9    |                    |
|                                | 39       |       | 39   |                                |            |          | 2      |      | Repealing clause.  |
|                                | 40       |       | 40   |                                |            | 6        |        | 12   |                    |
|                                | 41       |       | 41   |                                |            | 7        |        | 13   |                    |
|                                | 42       |       | 42   |                                |            | 8        |        | 28   |                    |
|                                | 43       |       | 43   |                                |            |          |        | 15   |                    |
|                                | 44       |       | 44   |                                |            |          |        | 16   |                    |
|                                | 45       |       | 45   |                                |            |          |        | 17   |                    |
|                                | 46       |       | 46   |                                |            | 9        |        | 18   |                    |
|                                | 47       |       | 47   |                                |            |          |        | 19   |                    |
|                                | 48       |       | 48   |                                |            |          |        | 21   |                    |
|                                | 49       |       | 49   |                                |            |          |        | 22   |                    |
|                                | 50       |       | 50   |                                |            | 10       |        | 19   |                    |
|                                | 51       |       | 51   |                                |            |          |        |      |                    |
|                                | 52       |       | 52   |                                |            |          |        |      |                    |
|                                | 53       |       | 53   |                                | 32         | 1        | 77     | 3    | 2                  |
|                                | 54       |       | 54   |                                |            |          |        |      |                    |
|                                | 55       |       | 55   |                                | 33         | 1        | 78     | 7    |                    |
|                                | 56       |       | 56   |                                |            | 2        |        | 13   |                    |
|                                | 57       |       | 57   |                                |            |          |        |      |                    |
|                                | 58       |       | 58   |                                | 34         | 1        |        |      | Unnecessary.       |

SCHEDULE I.—*Continued.*

| ORDINANCES OF 1898.— <i>Continued.</i> |          |       |      |                   | ORDINANCES OF 1898.— <i>Continued.</i> |          |       |      |   |
|--|----------|-------|------|-------------------|--|----------|-------|------|---|
| Ordinance.                             | Section. | CONS. |      | REMARKS.          | Ordinance.                             | Section. | CONS. |      | REMARKS.  |
|  |          | Cap.  | Sec. |                   |  |          | Cap.  | Sec. |   |
| 34                                     | 2        | 79    | 2    | Repealing clause. | 38                                     | 12       | 87    | 12   | Repealing clause.   |
|  | 3        |       | 5    |                   |  | 13       |       |      |   |
|  | 4        |       | 9    |                   |  |          |       |      | In compliance with section 14 this Ordinance is printed with the Consolidated Ordinances. |
|  | 5        |       | 13   |                   | 39                                     |          |       |      |   |
|  |          |       | 3    |                   |  |          |       |      |   |
|  |          |       | 5    |                   |  |          |       |      |   |
|  | 6        |       | 6    |                   |  |          |       |      | Unnecessary.  |
|  | 7        |       | 7    |                   |  |          |       |      |   |
|  | 8        |       | 10   |                   |  |          |       |      |   |
|  | 9        |       | 3    |                   |  |          |       |      |   |
|  | 10       | 19    |      |                   | 40                                     | 1        |       |      | Repealing section.  |
|  | 11       | 23    |      |                   |  | 2        | 9     | 8    |   |
|  | 12       | 25    |      |                   |  |          | 2     | 10   |   |
|  | 13       | 28    |      |                   |  |          | 3     | 27   |   |
|  | 14       | 29    | 3    |                   |  |          | 4     | 31   | Repealing section.  |
|  | 15       | 34    |      |                   |  |          | 5     | 47   |   |
|  | 16       | 35    |      |                   |  | 3        |       |      |   |
|  | 17       | 37    |      |                   |  | 4        | 85    | 3    |   |
|  | 18       | 37    |      |                   |  |          | 2     | 3    | Repealing section.  |
|  | 19       | 40    |      |                   |  |          | 3     | 11   |   |
|  |          | 11    |      |                   |  |          | 4     | 20   |   |
|  |          |       |      |                   |  |          | 5     | 69   |   |
| 35                                     | 1        | 80    | 6    | Unnecessary.      |  |          | 2     | 7    | Repealing section.  |
|  | 2        |       | 5    |                   |  |          | 3     | 18   |   |
|  |          |       |      |                   |  |          | 4     | 17   |   |
|  |          |       |      |                   |  |          | 4     | 17   |   |
| 36                                     | 1        |       |      | Repealing clause. |  | 6        | 84    | 3    | Repealing section.  |
|  | 2        |       |      |                   |  | 7        | 43    | 1    |   |
|  | 3        | 81    | 2    |                   |  |          | 2     | 4    |   |
|  | 4        |       | 6    |                   |  |          | 3     | 5    |   |
|  | 5        |       |      |                   |  | 8        | 63    | 2    | Repealing section.  |
|  | 6        |       | 12   |                   |  |          | 2     | 2    |   |
|  | 7        |       | 16   |                   |  |          | 3     | 3    |   |
|  | 8        |       | 18   |                   |  | 9        |       |      |   |
|  | 9        |       | 22   |                   |  | 10       |       |      | Repealing section.  |
|  | 10       |       | 27   |                   |  | 11       | 58    | 1    |   |
|  | 11       |       | 28   |                   |  | 12       | 89    | 65   |   |
|  | 12       |       | 30   |                   |  |          | 2     | 122  |   |
|  | 13       |       | 30   |                   |  |          | 3     | 17   | Repealing clause.   |
|  | 14       |       | 33   |                   |  |          | 4     | 125  |   |
|  |          |       |      |                   |  | 13       | 1     | 3    |   |
| 37                                     | 1        | 82    | 2    |                   |  |          | 2     |      |   |
| 38                                     | 1        | 87    | 1    |                   |  |          | 3     |      | Repealing clause.   |
|  | 2        |       | 2    |                   |  |          |       |      |   |
|  | 3        |       | 3    |                   |  |          | 4     |      |   |
|  | 4        |       | 4    |                   |  |          | 5     |      |   |
|  | 5        |       | 5    |                   |  |          | 6     |      | Repealing clause.   |
|  | 6        |       | 6    |                   |  |          |       |      |   |
|  | 7        |       | 7    |                   |  |          |       |      |   |
|  | 8        |       | 8    |                   |  |          |       |      |   |
|  | 9        |       | 9    |                   |  |          |       |      | Repealing clause.   |
|  | 10       |       | 10   |                   |  |          |       |      |   |
|  | 11       |       | 11   |                   |  |          |       |      |   |
|  |          |       |      |                   |  |          |       |      |   |

## SCHEDULE II.

Ordinances and Parts of Ordinances repealed from the date of the coming into force of "The Consolidated Ordinances of the Territories 1898."

| Chapter.                 | TITLE OF ORDINANCE.  | EXTENT<br>OF<br>REPEAL.      |
|--------------------------|--|------------------------------|
| Revised Ordinances 1888. |  |                              |
| 1.                       | An Ordinance respecting the form and interpretation of Ordinances.                               | The whole                    |
| 2.                       | An Ordinance respecting public printing.   | The whole                    |
| 4.                       | An Ordinance respecting security to be given by public officers.                                 | The whole                    |
| 7.                       | An Ordinance respecting insane persons.  | The whole                    |
| 16.                      | An Ordinance for the protection of sheep.  | The whole                    |
| 22.                      | An Ordinance to prevent the pollution of running streams.  | The whole                    |
| 24.                      | An Ordinance to incorporate companies for the establishment of cemeteries.                       | The whole                    |
| 26.                      | An Ordinance respecting the sale of medicine and drugs.  | The whole                    |
| 29.                      | An Ordinance respecting marriages.   | The whole                    |
| 30.                      | An Ordinance respecting the incorporation of joint stock companies by letters patent.            | The whole                    |
| 31.                      | An Ordinance respecting hotel and boarding house keepers.  | The whole                    |
| 33.                      | An Ordinance respecting the construction of chimneys.  | The whole                    |
| 35.                      | An Ordinance respecting the holding of lands in trust for religious societies and congregations. | The whole                    |
| 37.                      | An Ordinance respecting auctioneers, hawkers and pedlers.  | The whole                    |
| 39.                      | An Ordinance to prevent the profanation of the Lord's Day.                                       | The whole                    |
| 40.                      | An Ordinance authorising the appointment of notaries public.                                     | The whole                    |
| 43.                      | An Ordinance providing for the appointment of constables.  | The whole                    |
| 45.                      | An Ordinance exempting certain property from seizure and sale under execution.                   | The whole                    |
| 46.                      | An Ordinance respecting partnerships.  | except s. 1 (9)<br>The whole |
| 48.                      | An Ordinance to establish liens in favor of mechanics and others.                                | The whole                    |
| 49.                      | An Ordinance respecting preferential assignments.  | The whole                    |
| 50.                      | An Ordinance respecting choses in action.  | The whole                    |
| 51.                      | An Ordinance concerning receipt notes, hire receipts and orders for chattels.                    | The whole                    |
| 52.                      | An Ordinance to regulate the costs of distress for rent and extra judicial seizure.              | The whole                    |
| 54.                      | An Ordinance to declare the law respecting real property held by two or more persons.            | The whole                    |
| 55.                      | An Ordinance respecting compensation to the families of persons killed by accidents.             | The whole                    |
| 56.                      | An Ordinance respecting limitation of actions in certain cases.                                  | The whole                    |
| 57.                      | An Ordinance respecting the office of sheriff.   | The whole                    |
| 62.                      | An Ordinance respecting juries.  | The whole                    |

SCHEDULE II.—*Continued.*

| No.             | TITLE OF ORDINANCE.   | EXTENT<br>OF<br>REPEAL.   |
|-----------------|---|---------------------------|
| <b>1888.</b>    |   |                           |
| 1..             | Ordinances respecting The Revised Ordinances of the North-West Territories .....  | The whole                 |
| 5..             | An Ordinance respecting the profession of medicine and surgery .....  | The whole                 |
| 7..             | An Ordinance to amend Ordinance No. 5 of 1888, intituled "An Ordinance respecting the profession of medicine and surgery" .....                                 | The whole                 |
| <b>1889.</b>    |   |                           |
| 1..             | An Ordinance to amend chapter 7 of the Revised Ordinances of the North-West Territories intituled "An Ordinance respecting insane persons" .....                | The whole                 |
| 3..             | An Ordinance to amend Ordinance No. 5 of 1888, intituled "The North-West Territories Medical Ordinance 1888" .....  | The whole                 |
| 5..             | An Ordinance to amend chapter 48 of the Revised Ordinances of the North-West Territories intituled "The Mechanics' Lien Ordinance" .....                        | The whole                 |
| 10..            | An Ordinance respecting the expropriation of lands .....  | The whole                 |
| 13..            | An Ordinance to provide for the incorporation of butter and cheese manufacturing associations .....   | The whole                 |
| <b>1890.</b>    |   |                           |
| 6..             | An Ordinance to amend Ordinance No. 13 of 1889, intituled "An Ordinance to provide for the incorporation of butter and cheese manufacturing associations" ..... | The whole<br>except s. 19 |
| 12..            | An Ordinance to amend "The Companies Ordinance" .....   | The whole                 |
| 13..            | An Ordinance to amend "An Ordinance respecting limitation of actions in certain cases," being chapter 56 of the Revised Ordinances 1888 .....                   | The whole                 |
| 14..            | An Ordinance to further amend Ordinance No. 5 of 1888, intituled "An Ordinance respecting the profession of medicine and surgery" .....                         | The whole                 |
| 16..            | An Ordinance respecting life insurance .....  | The whole                 |
| 17..            | An Ordinance for the encouragement of mechanics' and literary institutes .....  | The whole                 |
| 20..            | An Ordinance respecting the personal property of married women .....  | The whole                 |
| <b>1891-92.</b> |   |                           |
| 3..             | An Ordinance to amend "The Interpretation Ordinance" .....  | The whole                 |
| 9..             | An Ordinance to amend Ordinance No. 5 of 1888 and Ordinance No. 14 of 1890 respecting the profession of medicine and surgery .....                              | The whole                 |
| 15..            | An Ordinance to authorise the formation of an association under the name of the "Dairymen's association of the North-West Territories" .....                    | The whole                 |
| 17..            | An Ordinance to further amend chapter 30 of the Revised Ordinances 1888, intituled "The Companies Ordinance" .....  | The whole                 |
| 19..            | An Ordinance respecting benevolent, provident and other societies .....   | The whole                 |



SCHEDULE II.—*Continued.*

| No.                        | TITLE OF ORDINANCE.  | EXTENT<br>OF<br>REPEAL.          |
|----------------------------|--|----------------------------------|
| <i>1891-92.—Continued.</i> |  |                                  |
| 22..                       | An Ordinance respecting chemists and druggists.....  | The whole                        |
| 26..                       | An Ordinance to amend and consolidate as amended the Ordinance respecting fences.....  | The whole                        |
| 29..                       | An Ordinance relating to arbitration.....  | The whole                        |
| <b>1892.</b>               |  |                                  |
| 3..                        | An Ordinance to encourage the planting of trees.....   | The whole                        |
| 5..                        | An Ordinance respecting the holding of cemeteries in trust for religious bodies.....   | The whole                        |
| 7..                        | An Ordinance respecting the assessment of railways.....  | The whole                        |
| 14..                       | An Ordinance to amend chapter 45 of the Revised Ordinances 1888, respecting exemptions from seizure and sale under execution.....                              | The whole                        |
| 18..                       | An Ordinance to regulate public aid to hospitals.....  | The whole                        |
| 20..                       | An Ordinance to amend and consolidate as amended the Ordinances respecting agricultural societies.....   | The whole<br>except s. 12<br>(a) |
| 24..                       | An Ordinance to further amend Ordinance No. 5 of 1888, intituled "An Ordinance respecting the profession of medicine and surgery".....                         | The whole                        |
| 25..                       | An Ordinance to amend chapter 29 of the Revised Ordinances 1888, intituled "The Marriage Ordinance".....   | The whole<br>except s. 7         |
| 32..                       | An Ordinance to amend Ordinance No. 13 of 1889, intituled "An Ordinance to provide for the incorporation of butter and cheese manufacturing associations"..... | The whole                        |
| <b>1893.</b>               |  |                                  |
| 6..                        | An Ordinance to amend and consolidate as amended The Judicature Ordinance and amendments thereto.....  | The whole<br>except s. 155       |
| 7..                        | An Ordinance to amend chapter 46 of the Revised Ordinances 1888, intituled "An Ordinance respecting partnerships" ..   | The whole                        |
| 8..                        | An Ordinance to amend and consolidate as amended "The Game Ordinance".....   | The whole                        |
| 11..                       | An Ordinance to amend Ordinance No. 20 of 1892, intituled "The Agricultural Societies Ordinance".....  | The whole                        |
| 14..                       | An Ordinance to further amend "The Interpretation Ordinance".....  | The whole                        |
| 15..                       | An Ordinance to amend chapter 39 of The Revised Ordinances 1888, intituled "An Ordinance to prevent the profanation of the Lord's Day".....                    | The whole                        |
| 16..                       | An Ordinance to amend chapter 45 of The Revised Ordinances 1888, respecting exemptions from seizure and sale under execution.....                              | The whole                        |
| 22..                       | An Ordinance to amend "An Ordinance respecting juries"....   | The whole                        |
| 25..                       | An Ordinance to abolish priority among execution creditors....   | The whole<br>except s. 18        |
| 28..                       | An Ordinance respecting the limitation of actions relating to real property.....   | The whole                        |

SCHEDULE II.—*Continued.*

| No.          | TITLE OF ORDINANCE.  | EXTENT<br>OF<br>REPEAL.   |
|--------------|--|---------------------------|
| <b>1894.</b> |  |                           |
| 5..          | An Ordinance to amend The Judicature Ordinance . . . . .   | The whole<br>except s. 52 |
| 8..          | An Ordinance respecting the payment of clerks and deputy clerks of the Supreme Court of the Territories . . . . .                                | The whole                 |
| 10..         | An Ordinance to amend Ordinance No. 26 of 1891-92 respecting fences . . . . .  | The whole                 |
| 17..         | An Ordinance to amend the law relating to slander . . . . .  | The whole                 |
| 20..         | An Ordinance to prevent trespass in pursuit of game . . . . .  | The whole                 |
| 21..         | An Ordinance to amend Ordinance No. 8 of 1889 intituled "An Ordinance concerning receipt notes, hire receipts and orders for chattels" . . . . . | The whole                 |
| 26..         | An Ordinance to further amend chapter 45 of The Revised Ordinances 1888, respecting exemptions from seizure and sale under execution . . . . .   | The whole                 |
| 27..         | An Ordinance to further amend Ordinance No. 20 of 1892, intituled "The Agricultural Societies Ordinance" . . . . .                               | The whole                 |
| 29..         | An Ordinance to amend chapter 57 of the Revised Ordinances 1888, respecting the office of sheriff . . . . .                                      | The whole                 |
| 34..         | An Ordinance to further amend Ordinance No. 5 of 1888, intituled "An Ordinance respecting the profession of medicine and surgery" . . . . .      | The whole                 |
| 42..         | An Ordinance respecting the General Trust Corporation of Canada . . . . .  | The whole                 |
| <b>1895.</b> |  |                           |
| 2..          | An Ordinance respecting commissioners to make inquiries concerning public matters . . . . .  | The whole                 |
| 7..          | An Ordinance to further amend The Judicature Ordinance . . . . .   | The whole                 |
| 8..          | An Ordinance to amend and consolidate as amended the law relating to mortgages and sales of personal property . . . . .                          | The whole                 |
| 10..         | An Ordinance to amend and consolidate as amended the Ordinances respecting deputy clerks and deputy sheriffs . . . . .                           | except s. 7 (a)           |
| 11..         | An Ordinance respecting the Legislative Assembly of the Territories . . . . .  | The whole                 |
| 12..         | An Ordinance respecting veterinary surgeons . . . . .  | The whole                 |
| 14..         | An Ordinance respecting alimony . . . . .  | The whole                 |
| 15..         | An Ordinance to amend Ordinance No. 8 of 1893, intituled "The Game Ordinance" . . . . .  | The whole                 |
| 16..         | An Ordinance to provide for the investigation of accidents by fire . . . . .   | The whole                 |
| 18..         | An Ordinance respecting stock injured by railway trains . . . . .  | The whole                 |
| 19..         | An Ordinance to further amend Ordinance No. 20 of 1892, intituled "An Ordinance respecting Agricultural Societies." . . . .                      | The whole                 |
| 21..         | An Ordinance to further amend chapter 29 of The Revised Ordinances 1888, intituled "An Ordinance respecting marriages" . . . . .                 | The whole                 |
| 24..         | An Ordinance respecting threshers' liens . . . . .   | The whole                 |
| 26..         | An Ordinance respecting masters and servants . . . . .   | The whole                 |
| 27..         | An Ordinance to amend Ordinance No. 7 of 1892, intituled "An Ordinance respecting the assessment of railways" . . . . .                          | The whole                 |

SCHEDULE II.—*Continued.*

| No.          | TITLE OF ORDINANCE.   | EXTENT<br>OF<br>REPEAL. |
|--------------|---|-------------------------|
| <b>1896.</b> |   |                         |
| 2..          | An Ordinance to amend and consolidate as amended the Ordinances respecting schools.....   | The whole               |
| 6..          | An Ordinance to further amend The Marriage Ordinance .....  | The whole               |
| 7..          | An Ordinance to exempt certain property from distress for rent.   | The whole               |
| 8..          | An Ordinance to amend Ordinance No. 18 of 1892, intituled "The Hospitals Ordinance" .....   | The whole               |
| 9..          | An Ordinance respecting factors and agents.....   | The whole               |
| 10..         | An Ordinance respecting the sale of goods.....  | The whole               |
| 11..         | An Ordinance to amend Ordinance No. 12 of 1895, intituled "An Ordinance respecting veterinary surgeons" .....   | The whole               |
| 13..         | An Ordinance to amend Ordinance No. 10 of 1895, intituled "An Ordinance to amend and consolidate as amended the Ordinances respecting deputy clerks and deputy sheriffs" .. | The whole               |
| 16..         | An Ordinance to amend Ordinance No. 11 of 1895, intituled "An Ordinance respecting the Legislative Assembly" .....  | The whole               |
| 17..         | An Ordinance respecting weed districts.....   | The whole               |
| 18..         | An Ordinance respecting the use of tobacco by minors.....   | The whole               |
| 19..         | An Ordinance to amend Ordinance No. 8 of 1893, intituled "The Game Ordinance" .....   | The whole               |
| 21..         | An Ordinance to further amend The Judicature Ordinance and the Ordinances amending the same.....  | The whole               |
| 23..         | An Ordinance to amend chapter 24 of the Revised Ordinances 1888, intituled "The Cemetery Ordinance".....  | The whole               |
| 24..         | An Ordinance to amend Ordinance No. 8 of 1895, intituled "The bills of sale Ordinance" .....  | The whole except s. 9   |
| <b>1897.</b> |   |                         |
| 3..          | An Ordinance to amend The School Ordinance 1896.....  | The whole               |
| 5..          | An Ordinance to amend the School Ordinance.....   | The whole               |
| 6..          | An Ordinance to amend and extend The Judicature Ordinance and amendments thereto .....  | The whole               |
| 7            | An Ordinance respecting the sale of intoxicating liquors and the issue of licenses therefor.....  | The whole               |
| 8..          | An Ordinance respecting municipalities.....   | The whole               |
| 10..         | An Ordinance respecting statute labor.....  | The whole               |
| 11..         | An Ordinance to amend and consolidate as amended the law relating to elections.....   | The whole               |
| 12..         | An Ordinance respecting controverted elections.....   | The whole               |
| 13..         | An Ordinance respecting the public service of the Territories.....  | The whole               |
| 14..         | An Ordinance respecting the department of the attorney general.....   | The whole               |
| 15..         | An Ordinance respecting the department of the Territorial secretary .....   | The whole               |
| 16..         | An Ordinance respecting the treasury department and the auditing of the public accounts.....  | The whole               |
| 17..         | An Ordinance respecting the department of public works.....   | The whole               |
| 18..         | An Ordinance respecting the department of agriculture.....  | The whole               |
| 19..         | An Ordinance respecting the herding of animals.....   | The whole               |
| 20..         | An Ordinance respecting estray animals.....   | The whole               |
| 21..         | An Ordinance respecting pound districts.....  | The whole               |
| 22..         | An Ordinance respecting stallions and bulls.....  | The whole               |
| 23..         | An Ordinance respecting the marking and inspection of stock..   | The whole               |
| 25..         | An Ordinance to amend Ordinance No. 17 of 1896, respecting weed districts.....  | The whole               |
| 26..         | An Ordinance to further amend The Game Ordinance .....  | The whole               |

SCHEDULE II.—*Continued.*

| No.                     | TITLE OF ORDINANCE.   | EXTENT<br>OF<br>REPEAL. |
|-------------------------|---|-------------------------|
| <i>1897.—Continued.</i> |   |                         |
| 27.                     | An Ordinance respecting public health.....  | The whole               |
| 28.                     | An Ordinance to amend Ordinance No. 10 of 1889, intituled "An Ordinance respecting the expropriation of lands".....   | The whole               |
| 29.                     | An Ordinance respecting ferries.....  | The whole               |
| 31.                     | An Ordinance to authorise the changing of the names of incorporated companies.....  | The whole               |
| 32.                     | An Ordinance respecting foreign corporations.....   | The whole except s. 2   |
| 33.                     | An Ordinance respecting mining companies.....   | The whole               |
| 34.                     | An Ordinance respecting the registration of births, marriages and deaths.....   | The whole               |
| 35.                     | An Ordinance to further amend The Marriage Ordinance.....   | The whole               |
| 36.                     | An Ordinance respecting justices of the peace.....  | The whole               |
| 38.                     | An Ordinance to amend various Ordinances in view of the Ordinances consolidation.....   | The whole except s. 32  |
| 39.                     | An Ordinance respecting hire receipts and conditional sales of goods.....   | The whole               |
| 40.                     | An Ordinance respecting keepers of livery, boarding and sale stables.....   | The whole               |
| 41.                     | An Ordinance respecting dentistry.....  | The whole               |
| <i>1898.</i>            |   |                         |
| 2.                      | An Ordinance to further amend The Interpretation Ordinance..  | The whole               |
| 3.                      | An Ordinance to amend Ordinance No. 11 of 1895 respecting the Legislative Assembly of the Territories.....  | The whole               |
| 4.                      | An Ordinance to amend The Territories Elections Ordinance.....  | The whole               |
| 5.                      | An Ordinance to amend the Ordinance intituled "An Ordinance respecting Public Printing".....  | The whole               |
| 6.                      | An Ordinance to amend the Ordinance intituled "An Ordinance respecting commissioners to make inquiries concerning public matters".....  | The whole               |
| 7.                      | An Ordinance to amend chapter 4 of The Revised Ordinances 1888, respecting security to be given by public officers.....   | The whole               |
| 8.                      | An Ordinance to amend The Expropriation Ordinance.....  | The whole               |
| 9.                      | An Ordinance to amend and consolidate as amended Ordinance No. 5 of 1893, intituled "An Ordinance to make regulations with respect to coal mines".....  | The whole               |
| 10.                     | An Ordinance to amend and consolidate as amended Ordinance No. 30 of 1897, intituled "An Ordinance respecting the inspection of steam boilers and the examination of engineers operating the same"..... | The whole               |
| 11.                     | An Ordinance to amend An Ordinance respecting public health.....  | The whole               |
| 12.                     | An Ordinance to further amend Ordinance No. 6 of 1893, intituled "The Judicature Ordinance".....  | The whole               |
| 13.                     | An Ordinance to further amend The Creditors' Relief Ordinance.....  | The whole               |
| 14.                     | An Ordinance to amend An Ordinance exempting certain property from seizure and sale under execution.....  | The whole               |
| 15.                     | An Ordinance to amend The Magistrates Ordinance.....  | The whole               |
| 16.                     | An Ordinance respecting distress for interest upon mortgages..  | The whole               |
| 17.                     | An Ordinance to amend the Ordinance intituled "An Ordinance respecting the holding of lands in trust for religious societies and congregations".....  | The whole               |

SCHEDULE II.—*Continued.*

| No.                     | TITLE OF ORDINANCE.   | EXTENT<br>OF<br>REPEAL.      |
|-------------------------|---|------------------------------|
| <i>1898.—Continued.</i> |   |                              |
| 18..                    | An Ordinance to amend the Ordinance intituled "An Ordinance respecting hire receipts and conditional sales of goods" ..                           | The whole                    |
| 19..                    | An Ordinance to amend the Ordinance intituled "An Ordinance respecting partnerships" ..   | The whole                    |
| 20..                    | An Ordinance to amend the Ordinance intituled "An Ordinance respecting marriages" ..  | The whole                    |
| 21..                    | An Ordinance respecting the legal profession and to incorporate The Law Society of the Territories ..   | The whole                    |
| 22..                    | An Ordinance to further amend The North-West Territories Medical Ordinance 1888 ..  | The whole                    |
| 23..                    | An Ordinance to amend The Hotel and Boarding House Keepers' Ordinance ..  | The whole                    |
| 24..                    | An Ordinance to amend The Mechanics' Lien Ordinance ..  | The whole                    |
| 25..                    | An Ordinance to amend chapter 24 of The Revised Ordinances 1888 and Ordinance No. 5 of 1892 respecting cemeteries ..                              | The whole                    |
| 26..                    | An Ordinance to amend The Municipal Ordinance ..  | The whole                    |
| 27..                    | An Ordinance respecting Villages ..   | The whole                    |
| 28..                    | An Ordinance to further amend The Statute Labour Ordinance 1897 ..  | The whole<br>except s. 20    |
| 29..                    | An Ordinance to further amend The School Ordinance ..   | The whole                    |
| 30..                    | An Ordinance respecting Irrigation Districts ..   | The whole                    |
| 31..                    | An Ordinance to amend The Brand Ordinance 1897 ..   | The whole                    |
| 32..                    | An Ordinance to amend Ordinance No. 26 of 1891-2 intituled "An Ordinance to amend and consolidate as amended the Ordinances respecting fences" .. | The whole                    |
| 33..                    | An Ordinance to amend The Entire Animals Ordinance ..   | The whole                    |
| 34..                    | An Ordinance to amend The Pound District Ordinance ..   | The whole                    |
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